

COMMITTEE OF ADJUSTMENT

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

December 18, 2025

TO: Chairperson and Members of the Committee of Adjustment

SUBJECT: Application for Minor Variance
D13-24-2025 – Atlantic Bridge Investment Canada Inc.
1644 Merrittville Highway, Thorold, Ontario
PT TWP LOT 193 RP 59R6107 PART 1
Roll Number: 2731 0000 3003 100

KEY FACTS

- A minor variance under Section 45(2) of the *Planning Act*, to permit the expansion of a legal non-conforming use outside the Urban Boundary.
- The application proposes to permit a legal non-conforming use (Banquet Hall) and to permit the use of two (2) shipping containers on the subject lands.
- Planning staff have reviewed the application in accordance with the *Planning Act* and recommend approval, subject to the conditions listed within.

RECOMMENDATIONS

That the City of Thorold Committee of Adjustment **approve** application D13-24-2025, submitted by Sunil Mehan on behalf of Atlantic Bridge Investment Canada Inc., for lands known municipally as 1644 Highway 20 (PT TWP LOT 193 RP 59R6107 PART 1), as it relates to:

- Relief from Part 9.2 - Table 9.2 (Permitted Uses in the Agricultural Zone) to allow a "Banquet Hall" as a permitted use within the Agriculture – A Zone;
- Relief from the Comprehensive Zoning By-law (60) 2019 to permit the use of two (2) shipping containers as an accessory use in accordance with Section 3.23 – Table 3.3.

Subject to the following condition:

1. That the shipping containers be relocated in accordance with the Comprehensive Zoning By-law (60)2019 to the satisfaction of the City.

PROPOSAL

The applicant is seeking relief from the provisions of Part 9.2 – Table 9.2 (Permitted Uses in the Agricultural Zone) to allow an ‘Banquet Hall’ to be utilized as a principal use within an existing commercial building and to permit the use of two (2) shipping containers on the subject lands.

The subject lands are known municipally as 1644 Merrittville Highway, and the lands are presently zoned Agriculture (A) according to the Comprehensive Zoning By-law. Under the City of Thorold Official Plan (2016) and the Region of Niagara Official Plan the lands are designated as part of the Agriculture, Environmental Protection 1 & 2, and Prime Agricultural Areas, respectively.

In order to facilitate the use of two (2) shipping containers as an accessory use on the subject lands, Section 45(1) of The Planning Act applies:

The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 38, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained.

In order to facilitate a banquet hall 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.

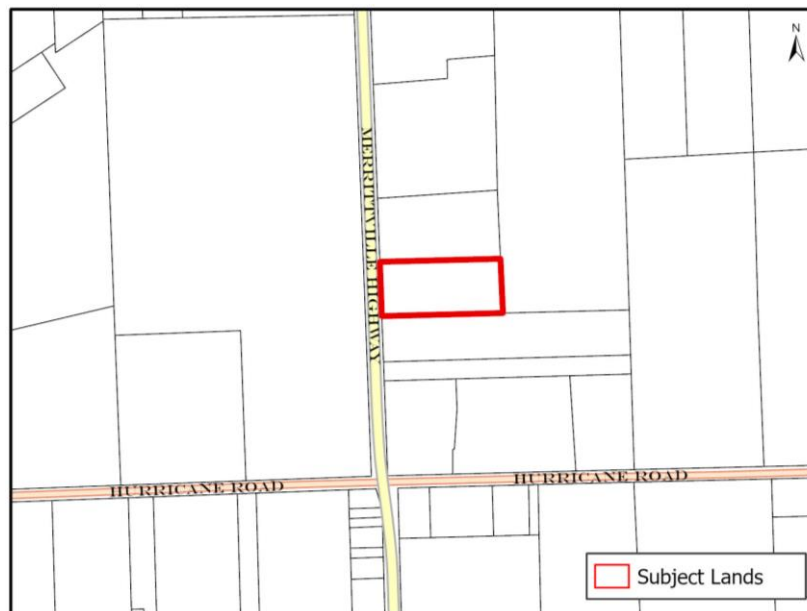


Figure 1: Location Map

Site Description

The subject lands are zoned Agricultural (A), Environmental Protection 1 (EP1) and Environmental Protection 2 (EP2) within the Comprehensive Zoning By-law 60(2019). The lands are located on the east side of Merrittville Highway in a rural setting bounded by Hurricane Road to the south and Turner Road to the north and comprise approximately 16,750 m² within the Agriculture, Environmental Protection 1 & Environmental Protection 2 designations of the City of Thorold Official Plan. A small commercial building, onsite since 1952, and accessory storage buildings are the only structures currently on the subject lands.

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:

2.3.1.2 - Land use patterns within settlement areas should be based on densities and a mix of land uses which:

b) optimize existing and planned infrastructure and public service facilities;

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;

4.3.5.2 - Impacts from any new or expanding non-agricultural uses on the agricultural system are to be avoided, or where avoidance is not possible, minimized and mitigated as determined through an agricultural impact assessment or equivalent analysis, based on provincial guidance.

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:

4.1.10.2 - *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 Agriculture, Environmental Protection 1 & Environmental Protection 2 within the CTOP. The following policies of the CTOP relate to the submitted application:

B2.1.3.11 - *Non-agricultural uses are not permitted within the Agricultural designation as such uses can have adverse impacts on both agricultural and natural resources. Where non-agricultural uses are proposed within the Agricultural designation, such applications shall be reviewed in the context of both a local Official Plan Amendment and Regional Official Plan Amendment subject to the following criteria:*

- a) A demonstrated need for additional land to be designated within the municipality and the desirability of the proposed use to the community within the planning horizon provided for in this Plan;*
- b) There are no reasonable alternatives to accommodate the proposed use in urban areas and rural areas;*
- c) There are no reasonable alternative locations to accommodate the proposed land use on land within the Agricultural designation with lower priority for protection;*
- d) Consideration that the proposed non-agricultural use is compatible with and will not impact the normal operation of surrounding agricultural uses; Official Plan of the City of Thorold 144 Adopted By By-law 60-2015 on April 21, 2015*
- e) Conformity with policies contained in Section B3 Natural Heritage Designations, Part C Environment and Ground Water Management Policies and Section B2.6 Aggregate Extraction Area;*
- f) Confirmation that a suitable private water supply and private sewage services can be provided for the proposed use; and,*
- g) Compliance with other policies contained in the City's Official Plan.*

B3.2.4.3 - Existing, legal uses located within the Environmental Protection One designation shall be recognized as legal non-conforming uses in this Plan or as exceptions in the City's Official Plan of the City of Thorold B-149 Adopted By By-law 60-2015 on April 21, 2015 Comprehensive Zoning By-law, however, such uses may not be physically expanded or enlarged.

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 Agricultural (A), Environmental Protection 1 (EP1) and Environmental Protection 2 (EP2) under the City of Thorold Comprehensive Zoning By-law 60(2019). The following provisions of the CZBL relate to the submitted application:

Table 9.2 – Permitted Uses in Agricultural and Rural Zones	
Agricultural (A)	Does not permit “Banquet Hall”.

Table 9.2 – Permitted Uses in Agricultural and Rural Zones	
Agricultural (A)	Does not permit “Shipping Containers” as an accessory use.

MINOR VARIANCE PLANNING ANALYSIS

The Committee of Adjustment, in accordance with Section 45 (1) of the Planning Act, may authorize a minor variance from the provisions of the by-law, subject to the following considerations:

- The variance maintains the general intent and purpose of the Zoning Bylaw.
- The variance maintains the general intent and purpose of the Official Plan.
- The variance is appropriate for the development or use of the land.
- The variance is minor in nature.

Does the Variance maintain the general intent and purpose of the Official Plan?

Under the CTOP the lands are designated as Agricultural and Environmental Protection areas. It is the intention of the NOP and CTOP to, where possible, preserve the

agricultural potential of these lands through accessory uses which support this goal. As such, accessory storage containers are permitted. Despite the limited agricultural potential of the lands, in the opinion of planning staff, the proposal maintains the intention of enhancing the potential of the lands.

Furthermore, the proposed shipping containers will not be relocated to the Environmental Protection Areas.

As such, planning staff are of the opinion that the proposal meets the general intent of the Official Plan.

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

Under the CZBL “Shipping Containers” are not a permitted accessory use in the Agriculture Zone, however within the Agricultural Zone (A) two “Storage Containers” are permitted in accessory. As defined in the CZBL the differences between Shipping and Storage Containers are minimal and do not materially affect the overall impact on a site. Given that the applicant intends to keep the same number and size of storage containers as what is already permitted, there is minimal negative impact created. Staff recommend implementing a condition that the applicant locate the containers in the rear yard, to the satisfaction of the City, and in accordance with the provisions of the CZBL.

In summary Planning staff are of the opinion that the proposal meets the general intent of the Zoning By-law.

Is the Variance Appropriate for the Development of the Land?

The proposed relief seeks to permit shipping containers in the same way storage containers are permitted as an accessory use in the Agricultural zone. In this scenario there is little functional difference in how the two serve the subject lands. There are no adverse impacts anticipated through adoption, and all other requirements (aside from the requested reliefs) of the Comprehensive Zoning By-law are being maintained.

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 Comprehensive Zoning By-law 60(2019) provisions.

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

Is the Variance minor in nature?

The Planning Act (R.S.O. 1990) does not define what constitutes “minor”. It is the responsibility of the Committee to make a determination, based on the facts, context and circumstances of a particular application, as to whether the variance is “minor”. In determining whether a requested variance is “minor” the Committee should have consideration for the overall impact of the development, not simply a numerical assessment based on provisions in the Comprehensive Zoning By-law.

The proposal seeks relief to permit an accessory use which is like other uses allowed within the zone. The requested relief is intended to permit a similarly described use which is already present on-site, in a non-conforming situation. No further expansion in the number or size of storage containers is proposed.

As such planning staff are of the opinion that the proposal **is minor** in nature.

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 Variance Appropriate for the Development of the Land?

The PPS directs planning authorities to foster “the long-term economic prosperity and productive capacity” of the Province’s agricultural lands, while ensuring “complete communities” which deliver “economic development and prosperity”. Similarly, the NOP directs authorities to protect agricultural land uses while maintaining economic viability and addressing the needs of the community.

The agricultural designation under the CTOP is intended to “protect and maintain land suitable for agricultural production” and permit uses which are supportive of agricultural businesses. The application does not seek to intensify the existing commercial development it is intended to facilitate an internal renovation of an existing commercial building. Given the history of the site, having been built in 1952, 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 a result, 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 to permit a Banquet Hall.

Planning staff have reviewed the proposal and determined that any nuisances on the surrounding lands will be minimal. Previous similar uses (Motorcycle Club) were previously permitted on-site 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 previous use, and no expansion to the existing structure is currently proposed.

As a result, planning staff are of the opinion that the proposal 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 (Appendix 1), which are summarized below.

Mississaugas of the Credit First Nation

- Please see attached comment.
- The Department of Consultation and Accommodation (DOCA) have no questions or comments at this time. However, this does not indicate a position of support for the project, that the Duty to Consult and Accommodate the MCFN has been met, or that there are no adverse impacts to the MCFN's Indigenous and Treaty Rights. DOCA expects to be notified of any and all future project updates and/or changes.

Niagara Peninsula Conservation Authority

- Please see attached comments.
- No objection to the application. A final site plan will need to be reviewed in relation the location of the shipping containers.
- A draft site plan has been submitted and reviewed and is outside of the NPCA regulation area. A final plan will need to be submitted to stamp.

Niagara Region

- Please see attached comment
- Any future Planning Act applications on the subject property that may require additional studies or reports such as archaeological assessment, stormwater management or environmental impact study.
- Regional staff does not object to the proposed change of use provided a class 4 sewage system permit is applied for and a sewage system meeting current Ontario Building code requirements is installed at the septic permit stage.
- Regional Infrastructure Planning and Development staff have no objection to the approval of this application in accordance with the PSA for planning matters and MOU for engineering services.

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	City of Thorold Building City of Thorold Engineering City of Thorold Fire City of Thorold Public Works City of Thorold Community Services Canada Post 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 D13-24-2025, **BE APPROVED**, subject to the conditions listed here within, to facilitate the expansion of a legal non-conforming commercial operation and grant relief to permit two (2) shipping containers.

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

Submitted by:
Nancy Reid
Senior Planner
City of Thorold Planning

Appendices

Appendix 1 Comments

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



COGECO COMMENTS

From: [Jeremy Leemet](#)
To: [City of Thorold Planning](#)
Subject: Re: Notice of Hearing - D13-24-2025 - 1644 Merrittville Highway
Date: November 27, 2025 8:13:54 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

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> wrote:

Hello,

Please find attached the Notice of Hearing for the Minor Variance application D13-24-2025 for 1644 Merrittville Highway to be heard at the City of Thorold December 18, 2025 Committee of Adjustment meeting.

Please review and provide comments to 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 Planning

Development Services

City of Thorold

905-227-6613

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

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



MISSISSAUGAS OF THE CREDIT FIRST NATION COMMENTS



November 26, 2025

Project Name: 1644 Merrittville Highway, Thorold
DOCA Project Number: 2025-1212
Proponent: Unknown
Project Location: 1644 Merrittville Highway, Thorold

Dear Courtney Kaupp,

This letter is to confirm receipt of the project-related correspondence sent by the City of Thorold, on November 26, 2025, regarding 1644 Merrittville Highway, Thorold.

The Mississaugas of the Credit First Nation (MCFN) are the Treaty Holders of the land on which the Zoning By-Law will take place. Specifically, the project is located on the Between the Lakes Treaty No. 3, of 1792. The MCFN holds Indigenous and Treaty Rights specific to the project location and its environs, which may be adversely impacted by it. The Department of Consultation and Accommodation (DOCA) is designated by the MCFN to handle consultation matters on its behalf.

The DOCA consultation team has filed the project-related correspondence identified above. **We have no questions or comments for you at this time.** This does not indicate a position of support for the project, that the Duty to Consult and Accommodate the MCFN has been met, or that there are no adverse impacts to the MCFN's Indigenous and Treaty Rights.

DOCA expects to be notified of any and all future project updates and/or changes. Additionally, DOCA must be notified of, invited to participate in, and provided the opportunity to review any environmental and/or archaeological assessments. At its discretion, DOCA may request capacity funding from the proponent for its consultation and engagement activities relating to the project.

If you have any questions for the DOCA consultation team, please feel free to contact us.


Thank you,

Abby (LaForme) Lee
Acting Consultation Specialist
Mississaugas of the Credit First Nation
2789 Mississauga Road, Hagersville, Ontario N0A 1H0



Phone: (905) 768-1133
Fax: (905) 768-1225





Department of Consultation and Accommodation

Phone: 905-768-4260

Email: abby.laforme@mncfn.ca

CC

Megan DeVries, Manager of Consultations, megan.devries@mncfn.ca



Mississaugas of the Credit First Nation
2789 Mississauga Road, Hagersville, Ontario N0A 1H0



Phone: (905) 768-1133
Fax: (905) 768-1225





MINISTRY OF TRANSPORTATION ONTARIO COMMENTS

From: [Prestinaci, Matthew \(MTO\)](#)
To: [City of Thorold Planning](#)
Subject: RE: Notice of Hearing - D13-24-2025 - 1644 Merrittville Highway
Date: November 26, 2025 11:47:23 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Good Morning Courtney,

Re: MTO Comments on Consent & MV Applications

1. Application File: **Minor Variance D13-24-2025**
Application Address: **1644 Merrittville Hwy, Welland, ON L3B 5N5**
Minor Variance: **To expand existing restaurant to include a special events venue**
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

From: City of Thorold Planning <Planning@thorold.ca>
Sent: November 26, 2025 11:18 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>; andrew.carrigan@canadapost.ca; Prestinaci, Matthew (MTO) <Matthew.Prestinaci@ontario.ca>; 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 - D13-24-2025 - 1644 Merrittville Highway

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 D13-24-2025 for 1644 Merrittville Highway to be heard at the City of Thorold December 18, 2025 Committee of Adjustment meeting.

Please review and provide comments to 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,



NIAGARA PENINSULA CONSERVATION AUTHORITY COMMENTS

December 1, 2025

VIA EMAIL ONLY

Committee of Adjustment
City of Thorold, Development Services Department
8 Carleton Street South,
Thorold, ON L2V 5C2

Attention: Secretary Treasurer of the Committee of Adjustment

Subject: Application for Minor Variance, D13-24-2025
1644 Merrittville Highway
Thorold, Ontario
ARN 273100003003100

To the Committee of Adjustment,

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

The NPCA regulates watercourses, flood plains (up to the 100-year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under Ontario Regulation 41/24 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.

As per the current NPCA mapping, the subject property located at **ARN 273100003003100** contains and is impacted by a NPCA Regulated Provincially Significant Wetland (PSW) and associated 30-meter wetland allowance (i.e., buffer area) identified as the Port Robinson Woodlot Wetland Complex located east of the subject property.

The purpose of the variance is to permit the expansion of the existing legal non-conforming use of the restaurant to include a "special events venue" or place of assembly/banquet hall at the subject property. Additionally, is seeking relief to permit the use of two (2) shipping containers as accessory use on the subject property.

In regards to the identified purpose, the NPCA has no objection to providing relief of the variances as described in the application. Due to the subject property limits containing NPCA Regulated Areas, the NPCA will require a more fulsome site plan to be provided to include the proposed placement of the accessory structures to determine if the shipping containers or any other required works to facilitate the change-in-use would encroach within an NPCA Regulated limit. Verification of the placement and any works can be discussed with the applicant following the Committee of Adjustment Hearing.

As per the NPCA current Policy, the NPCA will not permit any development activity to occur within the PSW or any wetland limit. Any works that occur within the 30-meter buffer area from the PSW boundary will require

appropriate Erosion and Sediment Control (ESC) measures during the completion of works and will require an NPCA work Permit to approve of the proposed setback distances and placement in relation to the NPCA Regulated features. Further requirements maybe addressed following the circulation of a fulsome site plan.

Conclusion

At this time, the NPCA can offer no objection to the Minor Variance Application, **D13-24-2025** at this subject property. Although the NPCA are supportive of granting the relief of the Variance, the NPCA will require a more fulsome site plan to be circulated to the NPCA Office following the Committee of Adjustment Hearing for further review and approval of works in relation to the NPCA Regulated features. Depending on the scope, nature, and location of any required works including placement of the shipping containers (i.e., accessory structures), an NPCA Permit may be of required to be issued by the NPCA Office prior to the start of works.

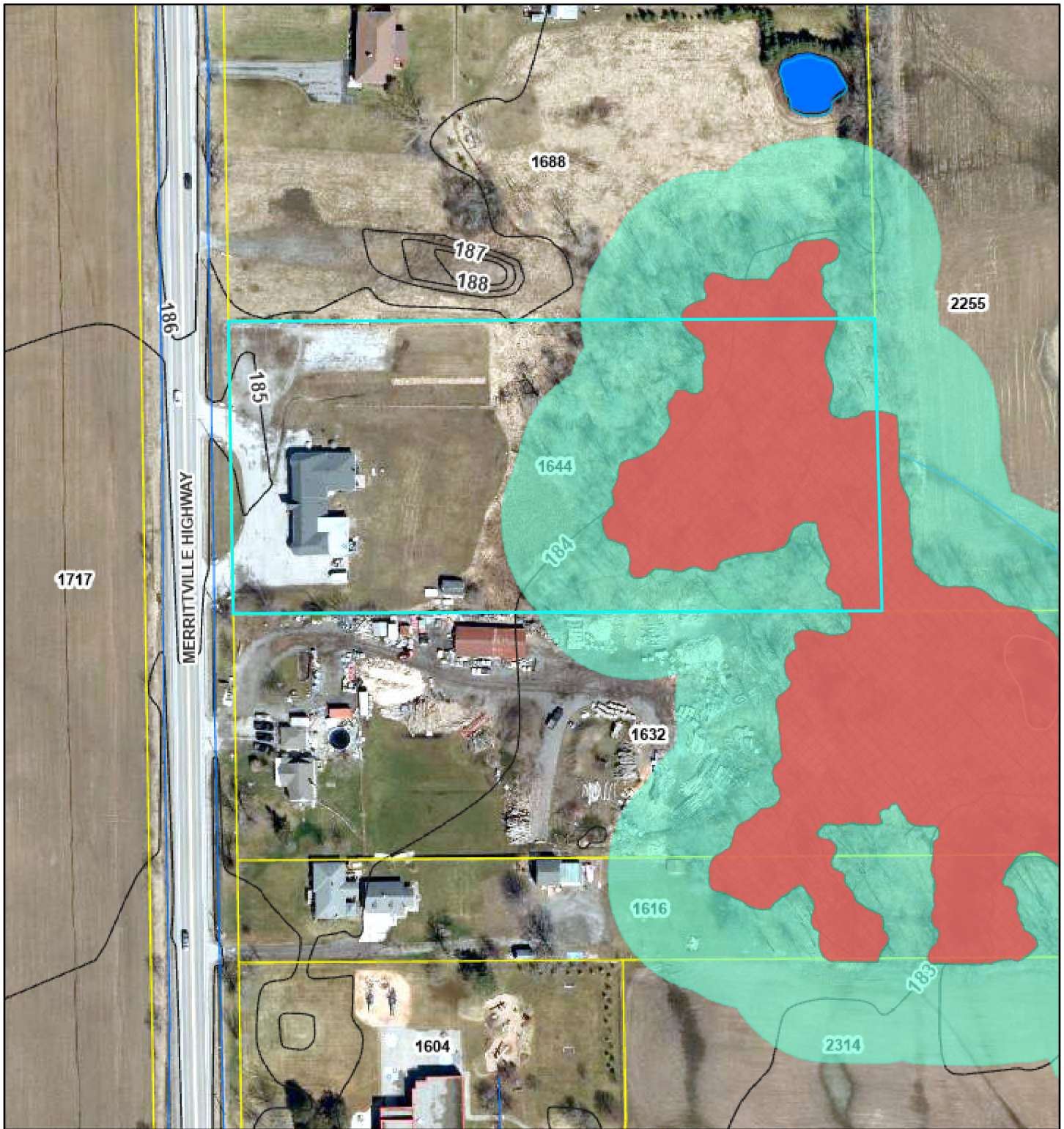
I trust the above will be of assistance to you. Please do not hesitate to call should you have any further questions in this matter.

Yours truly,



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

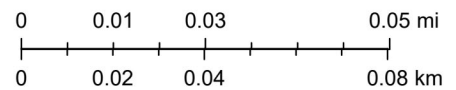
1644 Merrittville Hwy, Thorold - NPCA Map



12/1/2025, 2:51:06 PM

1:2,257

- | | |
|---|---|
| SWOOP 2020 NPCA | ■ NPCA APPROXIMATE REGULATION LANDS |
| ■ Red: Band_1 | SHORELINES Enhance Local Feature Type Shoreline |
| ■ Green: Band_2 | — Slough |
| ■ Blue: Band_3 | — Pond - Other |
| LIO - Wetland DRAFT | ■ Wetland Allowance |
| ■ Evaluated-Provincial | ■ Regulation Wetlands |
| Roads | Evaluated-Provincial |



NPCA, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

From: [Paige Pearson](#)
To: [Courtney Kaupp](#); [Brian Treble](#)
Cc: [Naomie Cesar](#)
Subject: RE: Notice of Hearing - D13-24-2025 - 1644 Merrittville Highway
Date: December 10, 2025 8:52:13 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
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[image005.png](#)
[image006.png](#)
[25-91_1644 Merrittville Hwy - SITEPLAN Prop01 \(Existing- 2025-12-09\)\(11X17\)_2.pdf](#)

Hi Courtney,

Thank you for passing this along and the information shown on the site plan is sufficient and the NPCA would have no objection as the proposed relocated placement would be outside of the NPCA regulated limit.

The NPCA can certainly stamp the Site Plan to provide a formal clearance however, I see that the bottom right it states that it is a 'draft'. If you require a formal stamp, please remove the 'draft' text and I'd be happy to finalize this for you.

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: Courtney Kaupp <Courtney.Kaupp@thorold.ca>
Sent: December 10, 2025 8:37 AM
To: Paige Pearson <ppearson@npca.ca>; Brian Treble <Brian.Treble@thorold.ca>
Cc: Naomie Cesar <naomiecesar@yahoo.com>
Subject: RE: Notice of Hearing - D13-24-2025 - 1644 Merrittville Highway

Good morning Paige,

I have received an updated site plan for 1644 Merrittville Hwy. The plan has been forwarded to an engineer for the shipping containers anchorage plan. Please let me know if anything else is needed.

Thank you,



Courtney Kaupp
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: Paige Pearson <ppearson@npca.ca>
Sent: December 3, 2025 3:57 PM
To: Brian Treble <Brian.Treble@thorold.ca>
Cc: Courtney Kaupp <Courtney.Kaupp@thorold.ca>; Naomie Cesar <naomiecesar@yahoo.com>
Subject: RE: Notice of Hearing - D13-24-2025 - 1644 Merrittville Highway



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

December 10, 2025

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

Regional File Number: PLMV202502342

Dear Ms Kaupp:

Re: Regional Comments
Application Type: Minor Variance
City File Number: D-13-24-2025
Owner: Atlantic Bridge Investments Canada Inc. (c/o Sunil Mehan)
1644 Merrittville Highway
City of Thorold

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 to expand a legal non-conforming use of restaurant to include a special events venue or a place of assembly/banquet hall.

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 (along Regional roads).

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.

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.

Archaeological Potential

The *Provincial Planning Statement, 2024* (PPS) and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 4.6.2 of the PPS and Policy 6.4.2.1 of the NOP state that development and site alteration is not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

The subject property is located within a mapped Area of Archaeological Potential as outlined in Schedule K of the NOP, indicating there is potential for the discovery of archaeological resources.

The applicant indicated in the Letter of Justification (dated November 7, 2025), that the proposed use will be adapted within the existing building without requiring intensive new construction. Regional staff provides the following warning clause to the Owner for information at this time:

“If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the police and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance”

Regional staff advises the applicant and the City that any future Planning Act applications for the property may be subject to Archaeological Assessments as per Policy 6.4.2.6 of the NOP.

Natural Environment System

The subject property is impacted by the Natural Environment System (NES) of the NOP, consisting of the Port Robinson Woodlot Wetland Provincially Significant Wetland Complex (PSW), Significant Woodland and Other Woodland. NOP policy requires the completion of an Environmental Impact Study (EIS) when development or site alteration is proposed within 120 metres of PSW/Significant Woodland and within 50 metres of Other Woodland.

Two (2) shipping containers are currently present on the property. The updated site plan shows that both the containers will be moved to the rear of the gravel parking area. Both the containers will be located within the above-noted setback for the PSW and Significant Woodland. However, each is approximately 60 metres from the features, situated within existing disturbed areas, and the features are buffered by an

approximately 30 metres wide naturally vegetated area. As such, Regional staff offer no recommendations to the City.

Regional Infrastructure

Road Allowance

The subject property has frontage along Regional Road 50 (Merrittville Highway). The existing right-of-way satisfies Regional requirements.

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.

Stormwater Management

The proposed use is located within the existing building, therefore, Regional staff have no requirements at this time. However, staff advise that any future Planning Act applications on the subject property that may require additional impervious coverage on-site may require a stormwater management brief (and the associated fee) to demonstrate that the site alterations will not adversely impact Merrittville Highway or the wetlands.

Private Sewage System

No sewage system permit was found for the existing system on the property. One chamber of a concrete septic tank was exposed east of the building. The exact location of the in-ground leaching field is unknown but also assumed to be east of the building. The existing septic system is considered legal non-conforming as it is inground in clay soils.

No septic design was submitted to the Region for review, however, there appears to be enough usable area on the property for the installation of a new class 4 sewage system servicing the building. The details surrounding the sewage system can be dealt with during the septic permit stage.

Therefore, Regional staff does not object to the proposed change of use provided a class 4 sewage system permit is applied for and a sewage system meeting current Ontario Building code requirements is installed at the septic permit stage.

Waste Collection

Niagara Region provide 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 have no objection to the approval of this application in accordance with the PSA for planning matters and MOU for engineering services.

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

Regards,



Adithi Lucky Reddy
Planner, Development Planning

cc: Katie Young, MCIP, RPP, Senior Planner
Jessica Fajta, Development Approvals Technician
Devon Haluka, Private Sewage System Inspector
Maggie Ding, P.Eng., Stormwater Management Engineering