

COMMITTEE OF ADJUSTMENT

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

August 20, 2026

TO: Chairperson and Members of the Committee of Adjustment

SUBJECT: Application for Minor Variance
D13-08-2026 – Marah Chelliah and Rukmany Maran
69 Cresthaven Heights, Thorold, Ontario
PLAN 59M513 LOT 91
Roll Number: 2731 000 0260 7392

KEY FACTS

- A Minor Variance application has been submitted to recognize an existing platform structure and to facilitate the issuance of a building permit.
 - Specifically, the applicants are seeking relief from the minimum setback provision to permit an existing platform structure having a height of 1.2 metres or greater to be located 3.5 metres from the rear lot line, whereas a minimum setback of 4.5 metres is required.
 - Planning staff recommend approval of the requested variance.

RECOMMENDATIONS

That the City of Thorold Committee of Adjustment **APPROVE** application D13-08-2026, submitted by Marah Chelliah and Rukmany Maran, for lands known municipally as 69 Cresthaven Heights (PLAN 59M513 LOT 91), as it relates to:

1. To permit an existing platform structure having a height of 1.2 metres or greater to be located 3.5 metres from the rear lot line, whereas a minimum setback of 4.5 metres is required by Table 3.5 of Section 3.26 of Zoning By-law 60-2019.

Subject to the following condition:

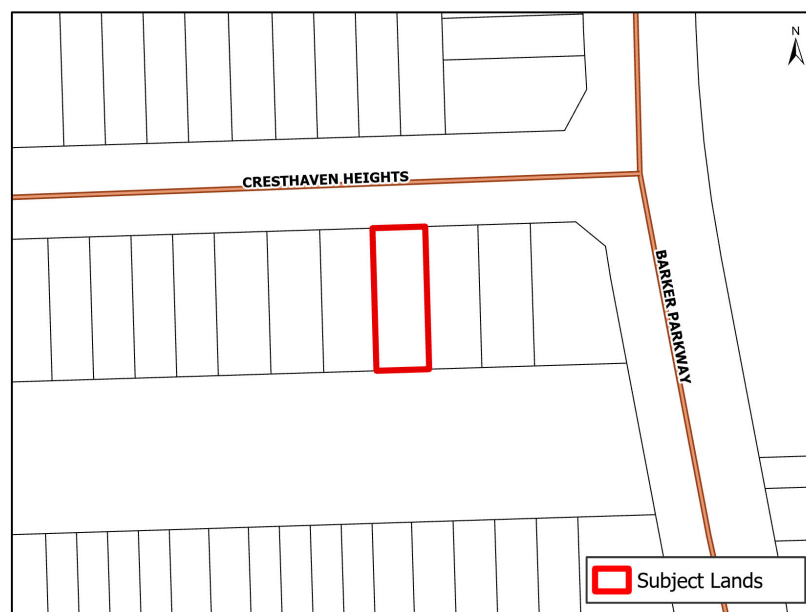
- That the requested relief from the minimum rear yard setback shall only apply to the existing platform structure in the existing configuration and location as shown on Figure 2 of this report.

PROPOSAL

The applicant is seeking relief from the provisions of Section 3.26 – Table 3.5 of Zoning By-law (60)2019 (Platform Structure Permitted Encroachment/Projections (i.e. Deck, Porch, Balcony, Patio) to facilitate the issuance of a building permit for an existing deck expansion. The existing deck is a platform structure approximately 2.6 metres above established grade, exceeding the maximum height provisions of 1.2 m.

The existing platform structure is subject to the setback requirements for platform structures having a height of 1.2 metres or greater. The existing setback of the deck is 3.5 m from the rear lot line where 4.5 m is the required minimum setback.

Figure 1: Location



Site Description

The subject lands are known municipally as 69 Cresthaven Heights. The lands currently contain a single detached dwelling with a walkout basement, and the above noted

platform structure. The lands are located west of Barker Parkway and on the south side of Cresthaven Heights within the Rolling Meadows subdivision. To the east and west of the lands are residential properties. Directly south of the lands is a stormwater management area that is zoned Open Space Conservation (OS2).

The subject lands are part of the City's Urban Area and Designated Greenfield Area and are designated Rolling Meadows Residential within the Neighbourhoods of the Rolling Meadows Secondary Plan under the Niagara Official Plan and City of Thorold Official Plan, respectively. The subject lands are zoned Residential One site-specific (R1D-67) under Zoning By-law 60(2019). The lands are approximately 291.75 m² in size. All other requirements of the zoning by-law are being maintained.

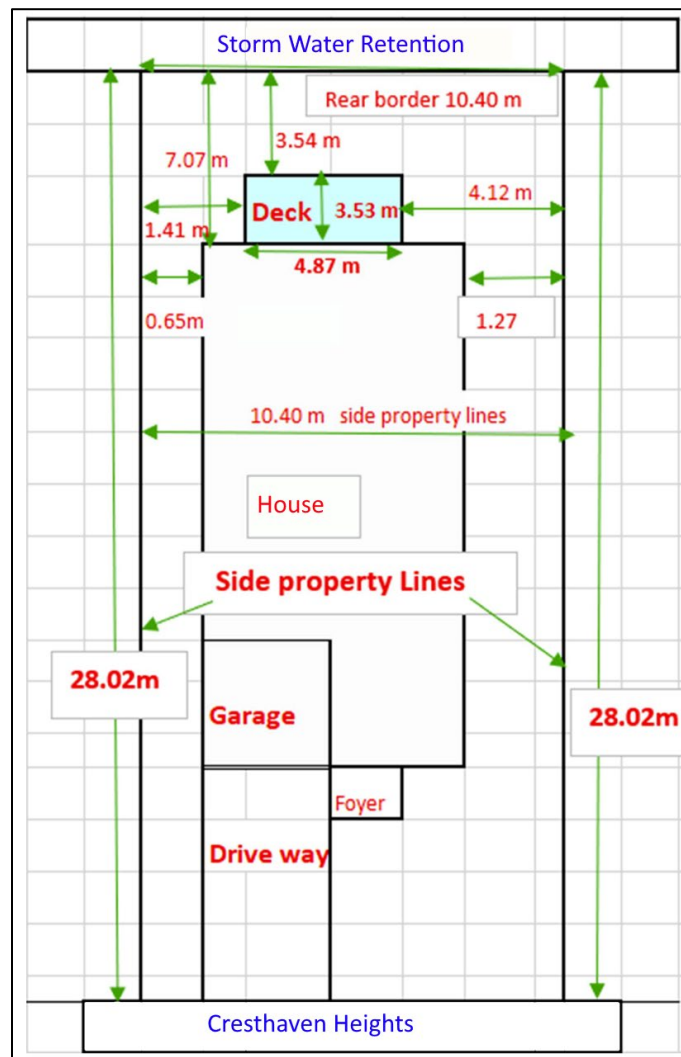


Figure 2: Proposed plan showing the existing deck highlighted.

In order to facilitate this proposal 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.

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, and the protection of public safety.

The PPS (2024) contains the following policies which relate to the submitted application:

2.2.1. Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:

a. establishing and implementing minimum targets for the provision of housing that is affordable to low- and moderate-income households, and coordinating land use planning and planning for housing with Service Managers to address the full range of housing options including affordable housing needs;

b. permitting and facilitating:

1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities;

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 Urban Area and Designated Greenfield area within the NOP. The following policies of the NOP relate to the submitted application:

2.2.1.1 Development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:

b. a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;

c. a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs;

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 Rolling Meadows Residential with the Neighbourhoods of Rolling Meadows Secondary Plan and are part of the Greenfield Overlay and Urban Area within the CTOP. The following policies of the CTOP relate to the submitted application:

A4.1.9 Lands designated Greenfield Overlay are lands within urban areas that are located outside of the built boundary. In accordance with Provincial and Regional policy, lands designated Greenfield Overlay are to be planned to achieve future population and employment densities at a minimum density of 50 residents and jobs combined per hectare.

A4.1.11 *The Neighbourhoods of Rolling Meadows Secondary Plan was originally approved in 2000 and was updated in 2007 to ensure conformity with the Provincial Growth Plan. This Secondary Plan has been integrated into this Official Plan with no changes to the land uses or development policies.*

B1.8.6.1 *The predominant use of the lands designated as Residential on Schedule A-3 Land Use Plan shall be for residential dwellings. Secondary uses which may be permitted include the following:*

- a) Places of worship;*
- b) Nursery schools and day care facilities;*
- c) Group homes, subject to the requirements of the Zoning By-law;*
- d) Home occupations, subject to the requirements of the Zoning By-law;*
- e) Neighbourhood parks and interconnected trails;*
- f) Accessory buildings and structures; and*
- g) Stormwater management facilities.*

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

The CZBL, as amended, 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 site-specific Residential One (R1D-67) under the CZBL. The following provisions of the CZBL relate to the submitted application:

Minimum Interior Yard Setback 1.2 m on one side, 0.6 m on the other

Minimum Rear Yard Setback 7.0 m

Table 3.5 Platform Structure Permitted Encroachments/Projections [Excerpt]	
	Height Above established grade 1.2 m or greater

Minimum Setback from Exterior Side Lot Line to Platform Structure	Required exterior yard of main building
Minimum Setback from Interior Side Lot Line to Platform Structure	Required interior side yard of main building
Minimum Setback from Rear Lot Line to Platform Structure	4.5 m
Minimum Setback from Front Lot Line to Platform Structure	Required front yard of main building

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 desirable for the appropriate use of the land.
- The variance is minor in nature.

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

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

The NOP and CTOP promote a mix and range of dwelling types and permits residential dwellings within the Rolling Meadows Secondary Plan area. A platform structure such as a deck can be considered a common feature of a residential dwelling that provides space for outdoor residential uses. The requested relief would result in an increase in the amount of useable outdoor deck area.

Staff are of the opinion that the requested relief maintains the general intent and purpose of the CTOP and NOP.

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

The CZBL outlines provisions for encroachments of platform structures based on height. The relief requested is to reduce the minimum setback to 3.5 m to a rear lot line where 4.5 m is the required minimum.

The existing deck meets requirements for interior side yard setback on both sides of the property. In the CZBL the rear lot line setback requirements increase for higher platform structures to reduce potential issues such as shadow impacts and privacy on adjacent lands. To the east and west of the property are adjacent residential dwellings which contain platform structures of a similar height and function. To the rear of the property are naturalized lands containing a stormwater management facility that are zoned OS2. There are no residential dwellings directly to the rear of the property and so the reduced rear lot line setback is not expected to result in adverse privacy or overlook impacts on a residential property to the rear.

As such, Staff are of the opinion that the requested variance meets the general intent and purpose of the CZBL.

Table 3.5 Platform Structure Permitted Encroachments/Projections [Excerpt]		
	Height Above established grade 1.2 m or greater	Proposed
Minimum Setback from Exterior Side Lot Line to Platform Structure	Required exterior yard of main building	N/A
Minimum Setback from Interior Side Lot Line to Platform Structure	Required interior side yard of main building:	1.41 m and 4.12 m

	1.2 m on one side and 0.6m on the other side in R1D-67 zone	
Minimum Setback from Rear Lot Line to Platform Structure	4.5m	3.5 m
Minimum Setback from Front Lot Line to Platform Structure	Required front yard of main building	N/A

Is the Variance Desirable for the Appropriate Development or Use of the Land?

The residential dwelling includes a walkout basement as the lands slope down towards the rear yard. The deck connects the first floor of the building to the outside area in the rear yard without requiring the use of stairs. The proposed relief would allow for a larger deck, increasing the functionality of the outdoor amenity area that is connected to the first floor of the house. The deck is appropriately setback from the interior side lot lines. The lands are adjacent to other residential dwellings with decks of a similar height and sightlines.

As such, Staff are of the opinion that the requested relief is desirable for the appropriate development of and use of the land.

Is the Variance minor in nature?

The requested relief to reduce the minimum setback from a rear lot line to a deck from 4.5 m to 3.5 m is a 1.0 m decrease. The property to the rear is zoned OS2 and is used for stormwater management purposes, issues such as privacy and shadow impact are limited. The deck maintains and exceeds the requirements for the interior lot line setbacks and therefore impacts on adjacent residential lots are also expected to be minimal.

As such, Staff are of the opinion that the requested variance is minor in nature.

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.

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
NPCA Niagara Region Cogeco	MNCFN City of Thorold Building City of Thorold Engineering City of Thorold Fire City of Thorold Public Works City of Thorold Economic Dev City of Thorold Community Services Canada Post Ministry of Transportation CN Rail GIO Rail NCDSB Bell Canada Enbridge OPG TransCanada Pipeline

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 D13-08-2026, requesting a minimum rear lot line setback of 3.5 metres for the existing deck at 69 Cresthaven Heights, whereas 4.5 metres is required, **BE APPROVED**, subject to the conditions listed herein.

Prepared by:
Courtney Kaupp
Development Planner
Development Services

Submitted by:
Nancy Reid
Senior Planner
Development Services

Appendices

Appendix 1 Comments



NIAGARA PENINSULA CONSERVATION AUTHORITY COMMENTS

From: [Paige Pearson](#)
To: [City of Thorold Planning](#)
Cc: [David Schoenholz](#)
Subject: NPCA COA Comments - August 2026
Date: July 24, 2026 3:13:22 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[D13-08-2026 - 69 Cresthaven Heights - NoH - August.pdf](#)
[D13-06-2026 - 13227 Lundys Lane - NoH - August.pdf](#)
[MAP.pdf](#)

Good afternoon,

Please find the NPCAs comments for the COA hearing this August.

69 Cresthaven Heights (D13-08-2026):

Based on the current NPCA mapping, the subject property, 39 Cresthaven Heights, does not contain NPCA regulated areas. Therefore, the NPCA have no objections to the development or to providing the relief of the Minor Variance.

13227 Lundys Lane (D13-06-2026):

Based on the current NPCA mapping (attached), the subject property is impacted by the following NPCA regulated areas:

- Non-Provincially Significant Wetland (Non-PSW). All wetlands have an 30-meter regulated buffer area starting from the wetland boundary; this area is referred to as the 'Wetland Allowance Area'
- Watercourse and a 15-meter buffer area regulated by the NPCA starting from the top of bank
- Hazardous slope conditions are identified to the south-western area. The NPCA regulates all development activities within 50 m of a hazard feature.
- Valleyland slope conditions are identified along the southern boundary. This slope is considered unstable and the NPCA regulated works within 15-meters of the physical or stable top of slope (which ever is more restrictive / landward), this area is considered the 'Erosion Hazard Allowance Area'.

As per the described, there are no required development activities to facilitate the proposed recreational use. Due to there being no changes to the existing structure(s) or disturbed areas (i.e., parking lot) that already exist on the subject property within an NPCA regulated area and the change of use does not increase the risks associated with the identified regulated features, the NPCA can offer no objection to the Minor Variance application.

Should any future proposed development activities occur on-site, prior NPCA approval with the possibility of Permits will be required to ensure the scope, nature, and location of works have met the NPCAs satisfaction.

If there are any questions, please let me know.

Thank you,



Paige Pearson (She/Her)
Watershed Planner

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

(O) 905.788.3135 Ext 205
www.npca.ca
ppearson@npca.ca



NIAGARA REGION COMMENTS

From: [Young, Katie](#)
To: [David Schoenholz](#)
Cc: [devtplanningapplications](#); [Karlewicz, Lori](#)
Subject: RE: August 2026 City of Thorold CoA Notice of Hearing
Date: August 4, 2026 11:05:01 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)

Good morning David,

Regional staff have no comments to provide for 69 Cresthaven Heights.

For 13227 Lundy's Lane, staff provide the following natural environment system comments under the Planning Services Agreement between the City and Region:

The subject property is impacted by the Natural Environment System (NES) of the *Niagara Official Plan, 2022 (NOP)*, consisting of Significant Woodland and Other Wetland. NOP Policy 3.1.9.7.1 requires the completion of an Environmental Impact Study (EIS) when development or site alteration is proposed adjacent to these features. However, no physical site alteration or development is proposed as part of the minor variance application. As such, staff offer no recommendations.

If you have any questions, please let me know.

Kind regards,
Katie



Katie Young, MsC (PI), MCIP, RPP
Senior Planner
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Thorold, ON, L2V 4T7, PO Box 1042
P: (905) 980-6000 ext. 3727
W: www.niagararegion.ca
E: katie.young@niagararegion.ca


My workday may look different from your workday. Please do not feel obligated to respond outside of your normal working hours.

From: David Schoenholz <David.Schoenholz@thorold.ca>

Sent: Monday, July 20, 2026 3:51 PM

To: tlennard@npca.ca; ppearson@npca.ca; Abby.LaForme@mncfn.ca; Daniel.Dickson@thorold.ca; David.Hornblow@thorold.ca; Dinesh.Adhikari@thorold.ca; Building@thorold.ca; thoreng@thorold.ca; Alex.Sales@thorold.ca; jenny.rodriquez@thorold.ca; Abu.Rashed@thorold.ca; Ugo.Obiako@thorold.ca; Paula.Wake@thorold.ca; Steven.Polich@thorold.ca; FPO@thorold.ca; Deanna.Graham@thorold.ca; Geoff.Holman@thorold.ca; andrew.carrigan@canadapost.ca; matthew.prestinaci@ontario.ca; proximity@cn.ca; aaron.white@giorail.com; Young, Katie@niagararegion.ca; [Karlewicz, Lori](#)



COGECO COMMENTS

From: [Jeremy Leemet](#)
To: [City of Thorold Planning](#)
Cc: [David Schoenholz](#)
Subject: Re: August 2026 City of Thorold CoA Notice of Hearing
Date: July 20, 2026 4:00:23 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Good Afternoon
Cogeco has no comment.
Thanks Jeremy Leemet

On Mon, Jul 20, 2026 at 3:50 PM David Schoenholz <David.Schoenholz@thorold.ca> wrote:

Hello everyone,

Please find the Notices of Hearing for the City of Thorold August Committee of Adjustment attached as well as other information within this link - [information here](#).

Minor Variance D13-06-2026 | 13227 Highway 20

Minor Variance D13-08-2026 | 69 Cresthaven Heights

Please review and provide comments to the Planning@Thorold.ca **on or before 4:00 pm, August 4, 2026**. If no comment or intention to provide response is received, we will consider this to mean there is no comment on the application.



David Schoenholz
Planning Clerk
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