

## COMMITTEE OF ADJUSTMENT

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

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August 20, 2026

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

**SUBJECT:** Application for Minor Variance  
D13-06-2026 – Lisa Tukoc  
13227 Highway 20, Thorold, Ontario  
PLAN D4 UNIT 3  
Roll Number: 2731 000 02608 600

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### KEY FACTS

- A Minor Variance application has been submitted to interpret the proposed use of a yoga and pilates studio as a type of Commercial Recreational Facility, as a permitted use within a Highway Commercial zone.
- The proposed studio will be approximately 358 m<sup>2</sup> and on lands with two (2) existing commercial buildings approximately 2772 m<sup>2</sup> in size.
- Planning staff recommend approval of the requested variance.

### RECOMMENDATIONS

That application D13-06-2026, submitted by Emily Elliot, MHBC Planning, on behalf of Lisa Tukoc, for lands known municipally as 13227 Highway 20 (PLAN D4 UNIT 3), **BE APPROVED** by the City of Thorold Committee of Adjustment, on the grounds that:

1. In accordance with Section 45(2)(b) of the Planning Act, a yoga and Pilates studio shall be permitted on the subject lands, as the proposed use, in the opinion of the Committee, conforms with the uses permitted by the Zoning By-law as a *Commercial Recreation Facility*,

*Subject to the following condition(s):*

- a. That the requested relief to permit a yoga and pilates studio shall only apply to the existing commercial structures shown on Figure 2 of this report.

## PROPOSAL

The applicant is seeking to interpret the definition of a Commercial Recreation Facility to include a yoga and fitness studio use. The proposed studio is approximately 358 m<sup>2</sup>, within the existing commercial buildings, approximately 2772 m<sup>2</sup> in size.

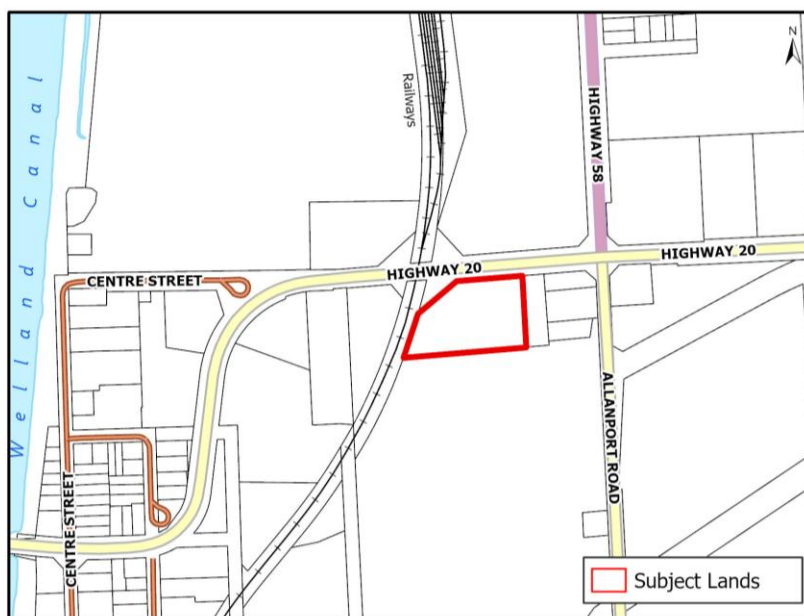


Figure 1: Location Map

## Site Description

The subject lands are known municipally as 13227 Highway 20 are located north of a wooded area and agricultural lands, east of a railway corridor, south of Highway 20 and west of lands used as residential and Allanport Road (see **Figure 1**). The site currently contains two (2) structures previously used as administration buildings for the Niagara District School Board and are currently occupied by local commercial businesses, including office and warehouse uses (see **Figure 2**). The site also contains a parking area and a wooded area along the west and southwest corner.

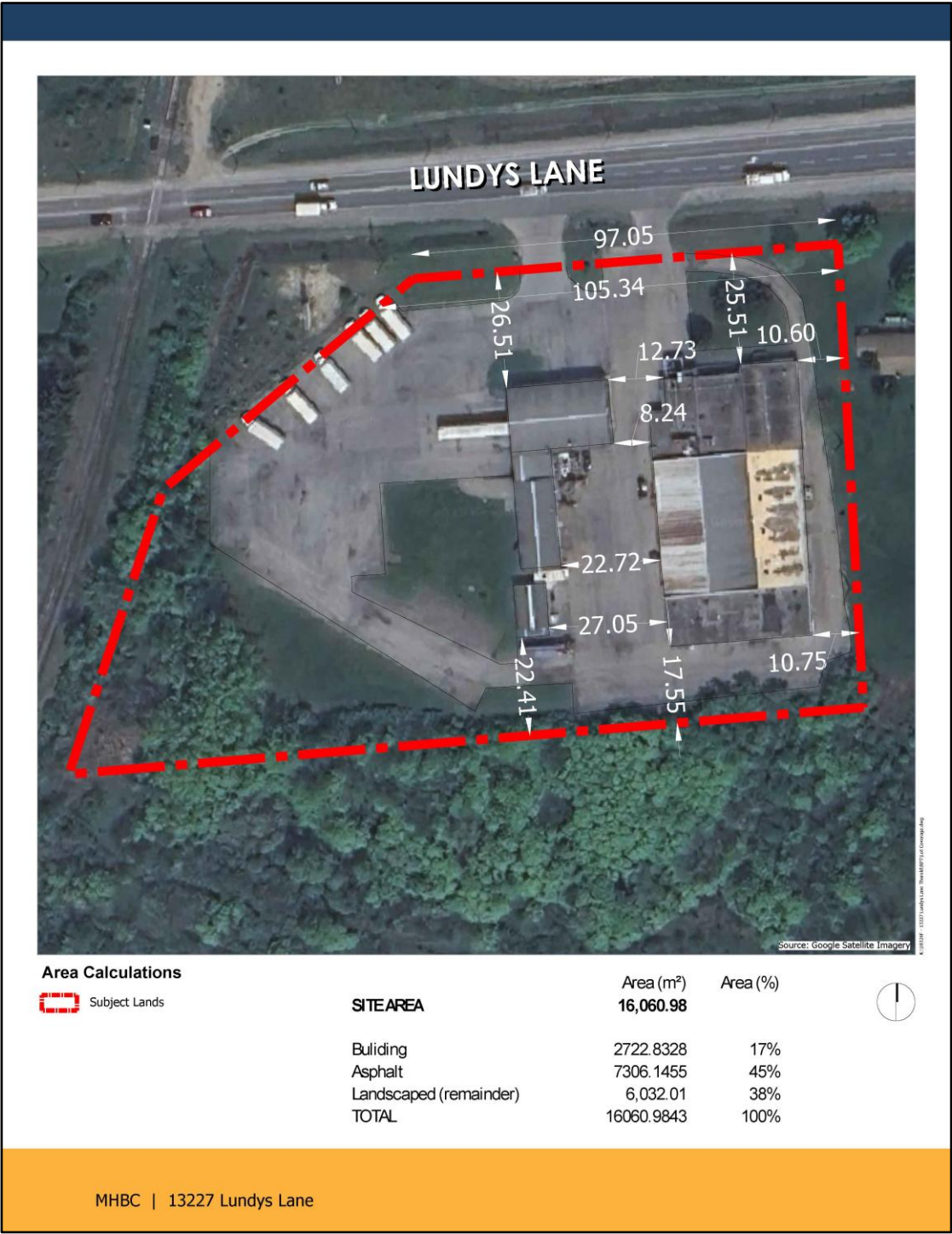


Figure 2: Existing structures on the subject lands which will accommodate the proposed use.

Under the Region of Niagara Official Plan (2022), the lands are designated as part of the Urban Area and contain Significant Woodlands, Provincially Significant Wetlands and Highly Vulnerable Aquifer. Under the City of Thorold Official Plan (2016), the lands are within the Built Boundary and Urban Area, are designated General Commercial and include a Wetland with Significance. The subject lands are zoned Highway Commercial (C5) and Environmental Protection Two (EP2) within the Comprehensive Zoning By-law 60(2019). The lands contain a Natural Heritage Feature buffer and NPCA Approximate Regulation Lands.

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

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, 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:***

- a) efficiently use land and resources;*
- b) optimize existing and planned infrastructure and public service facilities;*
- c) support active transportation;*
- d) are transit-supportive, as appropriate; and*
- e) are freight-supportive*

**2.4.1.2** *To support the achievement of complete communities, a range and mix of housing options, intensification and more mixed-use development, strategic growth areas should be planned:*

- a) to accommodate significant population and employment growth;*
- b) as focal areas for education, commercial, recreational, and cultural uses;*
- c) to accommodate and support the transit network and provide connection points for inter-and intra-regional transit; and*
- d) to support affordable, accessible, and equitable housing.*

**2.8.1.3** *In addition to policy 3.5, on lands within 300 metres of employment areas, development shall avoid, or where avoidance is not possible, minimize and mitigate potential impacts on the long term economic viability of employment uses within existing or planned employment areas, in accordance with provincial guidelines.*

**3.5.1** *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.*

**4.1.1** *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 Urban 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:*

- a. the intensification targets in Table 2-2 and density targets outlined in this Plan;*
- 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;*
- g. opportunities for intensification, including infill development, and the redevelopment of brownfields and greyfield sites;*

**3.1.4.8** *Where development or site alteration is proposed within or adjacent to the natural environment system, new lots shall not be created which would fragment a natural heritage feature or area, key natural heritage feature, or key hydrologic feature. The lands to be retained in the natural environment system shall remain in a natural state. The natural feature and any required buffer or vegetation protection zone shall be maintained in a single block and zoned to protect the natural features and its ecological functions. The Region encourages the Local Area Municipalities, the Conservation Authority, and other appropriate public and private conservation organizations to assume ownership of these lands.*

**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 General Commercial within the CTOP. The following policies of the CTOP relate to the submitted application:

**B1.4.1** *To identify lands within the Built-Up Area which are utilized or are proposed to be utilized for larger format retail, service commercial or institutional uses.*

**B1.4.2 [excerpt]** *Permitted uses in the General Commercial designation include:*  
*g) Fitness and dance studios;*

**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 Highway Commercial (C5) and Environmental Protection Two (EP2) and contain a Natural Heritage Feature buffer under the CZBL. The following provisions of the CZBL relate to the submitted application:

***Commercial Recreation Facility:*** means a privately owned sports or recreation establishment operated for use by private members and/or the general public for compensation and includes such uses as a pool room, bowling alley, ice or roller rink, dance hall, bingo hall, and outdoor recreational uses.

## **MINOR VARIANCE PLANNING ANALYSIS**

The Committee of Adjustment, in accordance with Section 45 (2)(b) of the Planning Act, may authorize an interpretation of a definition, subject to the following considerations:

- Is the definition permitted for the uses of land, buildings or structures by the by-law and is the use defined in general terms?
- Does the use of the land, building or structure conform with the uses permitted in the by-law?

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

### **Is the definition permitted for the uses of land, buildings or structures by the by-law and is the use defined in general terms?**

Commercial Recreation Facility is a permitted use under the C5 zone and can be understood as a general term within the CZBL. A general term is a broad definition or umbrella term that does not list every possible type of a use. A general term may provide some criteria and an open list of examples using terms "such as" or "may include" to indicate the openness of the list. The definition for Commercial Recreation Facility provides criteria for the use as "a privately owned sports or recreation establishment operated for use by private members and/or the general public for compensation." The

definition then provides an open, non-exhaustive list of examples (“such uses as”) of types of a Commercial Recreation Facility. The definition for Commercial Recreation Facility can therefore be understood as general term and open to interpretation, subject to conditions outlined under 45(2)(b) of the Planning Act.

**Does the use of the land, building or structure conform with the uses permitted in the by-law?**

Commercial Recreation Facility is a permitted use under the Highway Commercial zone. It permits the use of privately owned recreation establishments for use by private members and/or the general public. Examples provided within the definition include bowling alley, ice or roller rink or dance hall. The examples provided allow for individuals or groups to engage in sports or recreation. These activities can be organized or structured in a number of ways including open drop-in events, instructive classes or sessions, or events that require prior registration.

The proposed use of yoga and pilates studio will provide opportunities for recreation and wellness for private members or the general public in exchange for compensation. The studio will similarly allow for individual or groups to engage in recreation through drop-in or scheduled sessions with an instructor.

**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**

- Please see attached comment
- The property contains Natural Environment System features of the Niagara Official Plan 2022 (NOP), which would require the completion of an Environmental Impact Study had there been any development or site alteration proposed. However, since there is no development proposed, there is no recommendation.

## NPCA

- Please see attached comment
- The subject property is impacted by NPCA regulated areas. Including, Non-Provincially Significant Wetland, Watercourse/15-meter buffer, Hazardous Slope conditions, and Valleyland slope conditions. 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.

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<br>Niagara Region<br>Cogeco | MNCFN<br>City of Thorold Building<br>City of Thorold Engineering<br>City of Thorold Fire<br>City of Thorold Public Works<br>City of Thorold Economic Dev<br>City of Thorold Community Services<br>Canada Post<br>Ministry of Transportation<br>CN Rail<br>GIO Rail<br>NCDSB<br>Bell Canada<br>Enbridge<br>OPG<br>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 Application D13-06-2026, pursuant to Section 45(2)(b) of the Planning Act, to permit a yoga and Pilates studio on the subject

lands **BE APPROVED**, as the proposed use in the opinion of the Committee conforms with the uses permitted by the Zoning By-law as a Commercial Recreation Facility, subject to the conditions listed herein.

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**Prepared by:**  
Courtney Kaupp  
Development Planner  
City of Thorold Planning

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**Submitted by:**  
Kevin Nunn MCIP, RPP, PMP  
Senior Planner  
Development Services

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## 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](#)

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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,

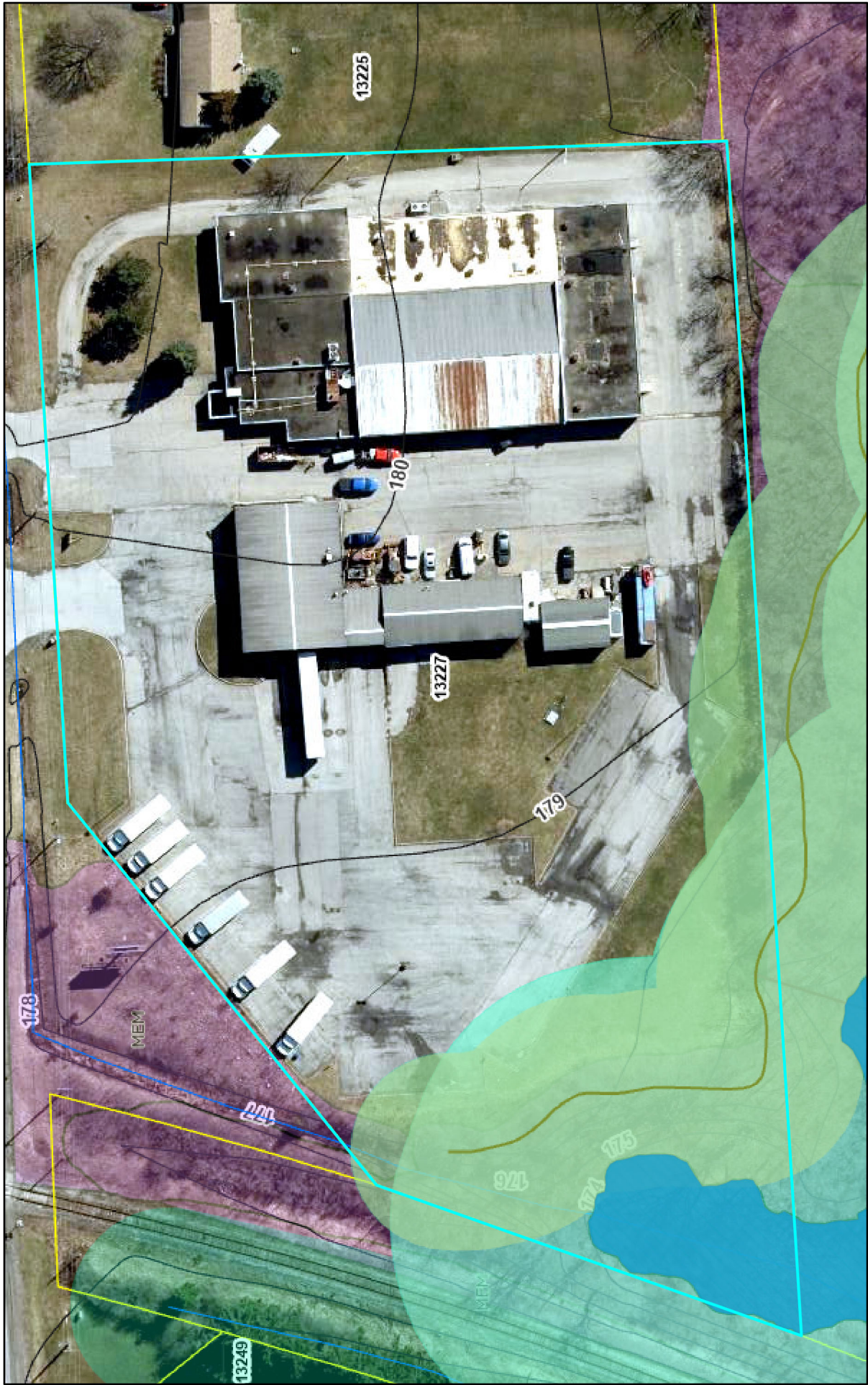


**Paige Pearson (She/Her)**  
Watershed Planner

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

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

# 13227 Lundys Lane, Thorold - NPCA Map





## **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](#)  
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[image009.png](#)  
[image010.png](#)  
[image011.png](#)  
[image012.png](#)

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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  
Niagara Region, 1815 Sir Isaac Brock Way,  
Thorold, ON, L2V 4T7, PO Box 1042  
**P:** (905) 980-6000 ext. 3727  
**W:** [www.niagararegion.ca](http://www.niagararegion.ca)  
**E:** [katie.young@niagararegion.ca](mailto: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.*

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

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

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

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Good Afternoon  
Cogeco has no comment.  
Thanks Jeremy Leemet

On Mon, Jul 20, 2026 at 3:50 PM David Schoenholz <[David.Schoenholz@thorold.ca](mailto: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](mailto: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  
Development Services  
**City of Thorold**  
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P.O. Box 1044, 3540 Schmon Parkway, Thorold, ON, L2V 4A7  
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