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PLANNING
& DEVELOPMENT

Minor Variance Application
Committee of Adjustment

Updated: December 2016

For Use by City Staff Only

Application Number: A-2023-008 Date Received: February 17, 2023
 Date Application Received Complete: Feb. 17, 2023 Staff/Planner: S. Anderson

The undersigned hereby applies to the Committee of Adjustment for the City of Niagara Falls, under Section 45 of the *Planning Act*, for relief as described in this application from By-law No. 79+200 R.

Legal Description of the Subject Lands

Municipal Address: 4120 WELLINGTON ST., NIAGARA FALLS L2G 6L7
 Lot No(s): 106 Concession No.: _____
 Reference Plan: 7 Part(s): _____
 Reference Plan: _____ Lot(s)/Block(s): _____

CONTACT INFORMATION:

Applicant

Applicant is: Owner or Authorized Agent of Owner (if selected complete and attach authorization form)
 Last Name: SINGH First Name: HARJINDER Corporation or Partnership: MEM ENGINEERING INC
 Street Address: _____ Unit No. _____ Lot/Con: _____
 Municipality: _____ Postal Code: _____ Province: _____
 Telephone Number: _____ Cell Number: _____ Email: _____

Owner (if different from applicant)

Last Name: KHANNA First Name: SHIV KUMAR Corporation or Partnership: _____
 Street Address: _____ Unit No. _____ Lot/Con: _____
 Municipality: _____ Postal Code: _____ Province: _____
 Telephone Number: _____ Cell Number: _____ Email: _____

Agent

Last Name: _____ First Name: _____ Corporation or Partnership: _____
 Street Address: _____ Unit No. _____ Lot/Con: _____
 Municipality: _____ Postal Code: _____ Province: _____
 Telephone Number: _____ Cell Number: _____ Email: _____

GENERAL INFORMATION

1. Type of application being made:

- Minor Variance (Section 45(1)) complete questions 1 – 14
- Extension or Enlargement of a Legal Non-Conforming Use (Section 45(2)(a)(i)) complete question 1, and 3 – 15
- Change of Legal Non-Conforming Use (Section 45(2)(a)(ii)) complete questions 1, 3 – 14, and 16
- Interpretation of General Terms (Section 45(2)(b)) complete questions 1, 3 – 14, and 17

2. Nature and extent of relief applied for (see Instructions – Explanation of Terms. If you are requesting a variance from the provisions of a By-law, provide the following information:

(a) What is the present zoning on the lands: R1C

(b) What section(s) of the By-law do you require relief from:

By-law Section	Subsection	Clause/Subclause	Page Number	Provision
By law 79-200 section -5	5.12	b	55	max. second unit floor area

(c) Show the extent of the relief being applied for:

By-law Section	By-law Requirement	Proposed	Extent of Variance
By law 79-200 section -5	second unit cannot exceed 40% of main unit	48.8% of the main unit	8.8%

(d) Explain in detail your reasons why it is not possible to comply with the provisions of the by-law:
(THIS SECTION MUST BE COMPLETED)

The homeowner recently bought the property and intends to legalise the basement for second unit. However, there is an already existing basement floor plan and its total second unit area exceeds 40% of the main unit.

3. Dimensions of land affected:

Lot Frontage: 18.28m Width of road allowance: _____
 Lot Depth: 45.72 m Width of street: _____
 Lot Area: 835.76 m² (Asphalt area or curb to curb)

4. Particulars of building or structure on or proposed for the subject land which is subject of this application:

Dimensions	Existing	Proposed	Total
Ground Floor Area	72.67 m ²	72.67m ²	72.67 m ²
Total Floor Area	107.25 m ²	52.37 m ²	159.62 m ²
Width	10.21 m	10.21 m	10.21m
Length	8.48 m	8.48 m	8.48 m
Height	6.0 m	6.0 m	6.0 m
Number of Storeys	2	2	2

5. Location of building or structure existing or proposed for the subject land which is subject of this application:

Closest Distance From	Existing	Proposed
Front Lot Line	11.83 m	11.83 m
Side Lot Line (1)	3.39m	1.91 m
Side Lot Line (2)	4.69 m	4.69 m
Rear Lot Line	25.31 m	25.31 m

6. Date of acquisition of subject land: 2022

7. Date of construction of the building or structures on the subject land: 2000

8. Existing use(s) of the subject property: SINGLE FAMILY DWELLING

9. Existing use(s) of abutting properties:

North: RESIDENTIAL East: RESIDENTIAL

South: RESIDENTIAL West: RESIDENTIAL

10. Length of time the existing uses of the subject property have continued:
22 years

11. Municipal services available:

- Water
- Sanitary Sewers
- Storm Sewers

12. Official Plan designation of the land: LOW DENSITY RESIDENTIAL

2/1/20

13. Has the property been the subject of a previous application to the Committee of Adjustment?

- Yes
- No

If "Yes", please describe briefly: _____

14. Is the property the subject of a current application for a Land Severance under Section 53 of the Planning Act?

- Yes
- No

15. If you are requesting the Committee of Adjustment to consider the enlargement or extension of a building or structure for a use not in conformity with the By-law, however, it is a use legally established prior to the by-law, answer the following:

(a) What is the present zoning of the subject land: _____

(b) What general use(s) is currently established in the building or structure:

(c) How long has the use been in existence: _____

(d) If the use(s) described above is not a residential use describe more precisely the principle operational aspects of the use:

(e) What use(s) or what part of your operation is proposed for the extension or enlargement:

(f) Describe how the proposed extension or enlargement has had regard to existing zoning regulations and possible environmental considerations:

16. If you are requesting the Committee of Adjustment to consider a change in a legal non-conforming use to another use you must answer the following as well as section 15 (above).

(a) What is the proposed change of use to: _____

(b) Are any building extensions or enlargements proposed now or in the near future for the proposed use:

- Yes
- No

(c) Describe why the proposed use is, in your opinion, more compatible with the area than the existing use:

17. If you are requesting the Committee of Adjustment to consider an application under Section 45(2)(b) of the Planning Act, describe the section of the By-law and the basis of your request:

What is the present zoning of the subject land? _____

Dated at the City of Niagara Falls, this 17th day of February, 20 23.

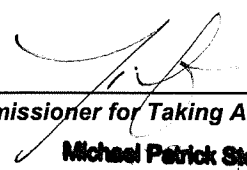
I, (~~Michael Patrick Stewart~~) ^{MS SHIU KHANNA} of the City of Niagara Falls
In the Regional Municipality of Niagara,

Solemnly declare that all the statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the **Canada Evidence Act**.

Declared before me at the The City of Niagara Falls
of _____, in the Regional)
Municipality of Niagara, this 17th
Day of February, 20 23)

Shiu Khanna

- owner
- applicant
- agent



A Commissioner for Taking Affidavits
Michael Patrick Stewart,
a Commissioner, etc., Province of
Ontario, for the Corporation of the City of
Niagara Falls. Expires September 20, 2025.

NOTE:

It is the applicant's responsibility that they or their agent attend all public meetings for which notice has been given.

Planning, Building &
Development Department
4310 Queen Street
P.O. Box 1023
Niagara Falls, ON L2E 6X5
www.niagarafalls.ca



Kirstin Jensen
Secretary – Treasurer
Committee of Adjustment
Tel: (905) 356-7521 ext. 4239
Fax: (905) 356-2354
kjensen@niagarafalls.ca

OWNER'S AUTHORIZATION FORM

Address and Description of Subject Land:

4120 WELLINGTON ST., NIAGARA FALLS L2G 6L7

I/We SHIV KUMAR KHANNA & SUSHAM LATA
Owner's Name(s)

The undersigned, being the registered owner(s) of the above land, hereby authorize:

Harjinder Singh (MEM ENGINEERING INC) of the MISSISSAUGA
(Agent or Applicant) (City or Town)

to make an application on my/our behalf to the Committee of Adjustment for the City of Niagara Falls for a minor variance and/or permission in accordance with Section 45 of the Planning Act.

Dated at the CITY of NIAGARA

In the Regional Municipality of Niagara, this 19 day of JANUARY, 2023.

[Signature]
Signature of Witness

Shiv khanna
Signature of Owner (Seal)

[Signature]
Signature of Witness RICHA KHANNA

susham lata
Signature of Owner (Seal)

NOTE:

1. Please print or type, unless otherwise specified.
2. This form is to be used for an application which is being processed and signed by someone other than the owner.
3. If the registered owner is a corporation, in addition to the signatures of the authorized signing officers, the corporate seal must be affixed.

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Dated at the _____ CITY _____ of _____ NIAGARA _____

In the Regional Municipality of Niagara, this 19 day of JANUARY, 2023.

[Signature]
Signature of Witness

Shiv Khanna
Signature of Owner (Seal)

[Signature]
Signature of Witness RICHA KHANNA

Sushama Lata
Signature of Owner (Seal)

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