



**Application for Minor Variance, Extension or Enlargement of a  
Legal Non-conforming use, Change of Legal Non-conforming Use or  
Interpretation of General terms**

(Under Section 45 of the Planning Act, R.S.O., 1990, c.P.13, as amended)  
Updated: January 2023

**FOR OFFICE USE ONLY**

File # A-2023-010  
Property: 4664-4666 Queen Street  
Date Reviewed: S. Anderson By: Mar. 24, 2023  
Date Deemed Complete: March 24, 2023  
Hearing Date: April 25, 2023

**Date Received:**



*revision rec'd Mar. 30, 2023*

**COMPLETE APPLICATION**

The information requested by this application form and fees are required to constitute a "Complete Application."

Please complete all applicable sections of this application. All measurements are to be provided in **metric units**. The information requested on this application is required to review the proposal. An incomplete application will be returned to the Registered Owner/Authorized Agent. If you have questions regarding the information requested on this application, please contact the Planning, Building and Development Department.

Information within this application is collected under the authority of the Ontario Planning Act and will be used by the City of Niagara Falls in the processing of this application. This information as well as supporting document, studies and reports may be used by other departments as well as agencies for the purpose of assessing the proposal and preparing comments. This information may also be available and released to the public upon request.

**PUBLIC CONSULTATION**

Applicants and/or their agents are required to participate in the public meetings hosted by City staff to inform surrounding property owners about proposed development.

**FEES**

Separate cheques made payable to the City, Region, and NPCA are required.

The Region accepts on-line payments through their on-line payment portal:  
<https://www.niagararegion.ca/business/payments/default.aspx>

If fees are paid directly to the Region, please provide a copy of receipt with application submission.

**\*\*Fees are current as of the update of the application form. Please consult with City and Agency staff, or the respective agency websites, to confirm amounts identified on your pre-consultation meeting report.**

If you have any questions regarding the information requested on this application, please contact the Secretary Treasurer to the Committee of Adjustment.

Applicants must submit the following with the Committee of Adjustment Application. Applicants are advised to review their application in person with the Planning Department prior to submission. Incomplete applications may result in delayed processing and hearing dates.

The following plans, reports, and information must accompany this application in a digital format:

- Application
- Deed
- Application fees (Schedule A)
- Declaration Form (Schedule B)
- Site Access permission form (Schedule C)
- Owner authorization (Schedule D)
- Sketch

Sketch Requirements: drawn to scale in metric, showing all the following:

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Property line dimensions</li> <li><input checked="" type="checkbox"/> Size and type of all buildings and structures</li> <li><input checked="" type="checkbox"/> Dimensions between buildings and structures to property lines</li> <li><input type="checkbox"/> Number of storeys and height of building</li> <li><input checked="" type="checkbox"/> Parking spaces and maneuvering aisles           <ul style="list-style-type: none"> <li>o Properly sized and spaces numbered.</li> </ul> </li> <li><input type="checkbox"/> Sidewalk and curb locations</li> <li><input checked="" type="checkbox"/> Size and type of new building additions</li> <li><input checked="" type="checkbox"/> Scale of plan</li> <li><input checked="" type="checkbox"/> North Arrow</li> <li><input checked="" type="checkbox"/> Street Names</li> <li><input checked="" type="checkbox"/> Identify location of variance(s)</li> <li><input checked="" type="checkbox"/> Driveway location and width</li> <li><input checked="" type="checkbox"/> Tree locations</li> <li><input checked="" type="checkbox"/> Building coverage (% of lot area)</li> <li><input checked="" type="checkbox"/> Landscaped area (% of lot area)</li> </ul> | <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Location, size, dimensions of all existing and proposed structures to remain or to be removed on the subject land.</li> <li><input checked="" type="checkbox"/> All setbacks: front yard depth, rear yard depth, side yard width (exterior and interior)</li> <li><input checked="" type="checkbox"/> Existing uses of abutting properties</li> <li><input checked="" type="checkbox"/> Location of all natural and artificial feature's location on the subject land and adjacent land that may affect the application (opinion of applicant)</li> <li><input checked="" type="checkbox"/> Location of Septic System and well</li> <li><input checked="" type="checkbox"/> Location, width, centerline, and name of any roads within or abutting the subject land (indicating whether it is an unopened road allowance, public travelled road, private road or right-of-way)</li> <li><input checked="" type="checkbox"/> If water access, location of parking and docking facility.</li> <li><input checked="" type="checkbox"/> Location and nature of any easements of property</li> </ul> |
|---|---|

This application will be circulated to various agencies for review and comment. Where the scope or nature of the application requires input from other agencies, additional copies of this application and accompanying plans, reports, and information may be required.

1. Type of Application			
<input checked="" type="checkbox"/> Minor Variance (complete sections 1 – 12) <input type="checkbox"/> Extension or Enlargement of a Legal Non-Conforming Use (Section 1-5 and 7-13) <input type="checkbox"/> Change of Legal Non-conforming use (Section 1-5 and 7-14) <input type="checkbox"/> Interpretation of General Terms (Section 1-5, 7-14 and 15)			
2. Details of the Subject lands			
Municipal Address <i>4664 QUEEN STREET.</i>	Assessment Roll Number <i>2725010-00409500.</i>		
Legal Description <i>PIN. 64329-0115 R.NO. - LT215337.</i>			
Date the subject lands were acquired: <i>FEB. 1, 2004.</i>	Date of construction of the buildings or structures on the land:		
Lot Frontage <i>0.15m.</i>	Width of road allowance		
Lot Depth <i>48.46m.</i>	Width of street		
Lot Area <i>312.4</i> <i>369.3m<sup>2</sup></i>	Existing Use: (Residential, Industrial, Institutional, Commercial) <i>COMMERCIAL/RESIDENTIAL</i>		
Description of easements, rights-of-way, or restrictive covenants applicable to the subject lands (if applicable):			
3. Registered Owner (as shown on the deed and title of the property)			
Name <i>PHILIP RITCHIE.</i>	Company Name <i>4572 QUEEN ST. LTD.</i>	Municipality <i>N.F.</i>	
Mailing Address [REDACTED]		Unit Number [REDACTED]	Postal Code [REDACTED]
Province [REDACTED]	Email [REDACTED]	Telephone [REDACTED]	
4. Authorized Agent (if one has been authorized)			
Name <i>STEVEN SUMDERLAND.</i>	Company Name <i>STE BUILDING CONSULTANTS INC.</i>	Municipality <i>N.F.</i>	
Mailing Address [REDACTED]		Unit Number [REDACTED]	Postal Code [REDACTED]
Province [REDACTED]	Email [REDACTED]	Telephone [REDACTED]	
Contact for all future correspondence (Select one) <i>.com.</i>			

<b>6. Details of the Proposal</b>				
Show the extent of the relief being applied for:				
By-law Section	Provision	By-law Requirement	Proposed	Extent of Variance
8.5.1.(jj)	LOCATION OF DWELLING UNIT.	LOCATED ABOVE GROUND FLOOR.	1 REAR UNIT ON GROUND FLOOR.	1 REAR UNIT ON GROUND FLOOR. PROPOSED.
4.19.1.(e)	PARKING AREA	1.4 PARKING SPACES PER UNIT	3 PARKING SPACES	3 PARKING SPACES PROPOSED.
TABLE 1 TABLE 2.	REQUIREMENTS.			
Explain why the proposed use cannot comply with the provisions of the Zoning By-law:				

<b>7. Buildings or Structures currently existing or proposed for the subject land (metric):</b>		
Dimensions	Existing	Proposed
<b>1. Dwelling</b>		
Front Yard Setback	0.15m	0.15m
Rear Yard Setback	22.58m	22.58m
Side Yard Setback	0	0
Side Yard Setback	0	0
Lot coverage (m <sup>2</sup> )	139.2m <sup>2</sup> (44.6%)	139.2m <sup>2</sup> (44.6%)
Ground Floor Area	139.2m <sup>2</sup>	139.2m <sup>2</sup>
Total Floor Area	278.4m <sup>2</sup>	278.4m <sup>2</sup>
Width of building	7.62m	7.62m
Length of building	18.89m	18.89m
Height of building	9m	9m
Number of Storeys	2	2
<b>2. Accessory Building</b>		
Front Yard Setback		
Rear Yard Setback		
Side Yard Setback		
Side Yard Setback		
Lot coverage (m <sup>2</sup> )		
Ground Floor Area		
Total Floor Area		
Width of building		
Length of building		
Height of building		
Number of Storeys		

<b>8. Access (select all that apply)</b>		
<input checked="" type="checkbox"/> Public road maintained all year <input type="checkbox"/> Public road maintained seasonally <input type="checkbox"/> Waterway	<input type="checkbox"/> Niagara River Parkway <input type="checkbox"/> Private easement <input type="checkbox"/> Provincial highway	
<b>9. Municipal services available</b>		
<input checked="" type="checkbox"/> Water <input checked="" type="checkbox"/> Sanitary Sewers <input checked="" type="checkbox"/> Storm Sewers		
<b>10. Previous Applications</b>		
Have the subject lands ever been the subject of an application under the Planning Act, R.S.O. 1990, c. P.13, as amended for approval of a plan of subdivision or condominium, a consent, a minor variance, a site plan, an official plan amendment, or a zoning by-law amendment? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown If yes, provide the information requested below for each previous application:		
Application Type	File Number	Status of the Application
<b>11. Concurrent Applications</b>		
Application Type	File Number	Status of the Application
<b>12. Enlargement or extension of a Legal Non-Conforming Use</b>		
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:		
Current Zoning of the subject land:		
General use(s) currently established in the building or structure:		
How long has the use been in existence:		
If the use(s) described above is not a residential use describe more precisely the principle operational aspects of the use:		
What use(s) or what part of your operation is proposed for the extension or enlargement:		
Describe how the proposed extension or enlargement has had regard to existing zoning regulations and possible environmental considerations:		

**13. Change of Legal Non-Conforming Use**

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 13.

What is the proposed change of use to:

Are any building extensions or enlargements proposed for the proposed use:

- Yes
- No

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

**14. Interpretation of General Terms**

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 lands:



## SCHEDULE A 2023 FEES

City of Niagara Falls Application Fees	Fee (includes HST)
Consent Application	\$3,675.00
Consent Application to separate two existing units	\$1,850.00
Change of Conditions	\$600.00
Minor Variance	\$2,300.00
Re-notification/Rescheduling (consent/minor variance)	\$300.00
Concurrent Consent/Minor Variance Application	\$4,450.00
Concurrent Consent Application - First Application	\$3,675.00
Each additional consent application on same lands	\$550.00
Request for Exemption from 2-year waiting period for variances	\$425.00
Additional fee for calling of a Special Meeting to address an application	\$800.00

Other Fees:	Fee (includes HST)
<p><b>Niagara Peninsula Conservation Authority (NPCA)</b>            Properties near a waterbody/water course or lands designated "hazard"            Pre-consultation with the NPCA is necessary and will determine if application is subject to this fee.</p>	<p><b>Consent:</b>            Minor - \$1,050.00            Major - \$1,987.50</p> <p><b>Minor Variance:</b>            Minor - \$ 600.00            Major - \$1,800.00</p>
<b>Niagara Region (2022 fees)</b>	
Minor Variance Review	\$435.00
Consent Review – Within Urban Area	\$645.00
Consent Review – Rural/Outside Urban Area	\$905.00
Consent with Private Sewage System Review	\$400.00
<b>Niagara Escarpment Commission Development Permit</b>	
Development Permit Review	\$815.00
Minor Development Permit Review (No Provincial or Regional concerns identified such as sheds, garages, pools, etc.)	\$435.00



**SCHEDULE B  
DECLARATION OF THE APPLICANT OR AUTHORIZED AGENT**

The following declaration must be signed by the applicant or agent in the presence of a Commissioner for the Taking of Affidavits.

I, STEVEN SUNDERLAND.  
(Name of Owner or Applicant/Agent on behalf of owner if required)

of the Town/City of NIAGARA FALLS.  
(Town, City or Township)

in the Regional Municipality of NIAGARA.  
(Region/County/District)

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 fore and effect as if made under oath y the virtual of THE CANADA EVIDENCE ACT.

Dated at the: CITY OF NIAGARA FALLS.  
(Town, City or Township)

in the Regional Municipality of NIAGARA.  
(Region/County/District)

this 24. day of MARCH. 2023.  
(day) (month)

STEVEN SUNDERLAND.  
Name (Please print)

[Signature]  
Signature

**COMMISSIONER:**

Declared before me at the Town/City of Niagara Falls  
(Town, City or Township)

in the Regional Municipality of Niagara  
(Region/County/District)

this 24 day of MARCH 2023.  
(day) (month)

D. Sikhanyay  
A Commissioner, etc.

Daramone Sikhanyay, a Commissioner, etc.,  
Province of Ontario,  
for the Corporation of the City of Niagara Falls  
Expires June 10, 2024.  
  
Commission Stamp





# SCHEDULE C SITE ACCESS PERMISSION FORM

To be completed by the owner:

I / We, 4572 Queen Street LTD being the registered owner(s)  
of 4664-4666 Queen Street, Niagara Falls Ont.  
(Subject Lands/Municipal Address)

hereby grant City of Niagara Falls staff, agencies, and Members of a City Committee to enter the subject site to review and confirm the information provided on this application.

Date at the Town/City of Niagara Falls  
(Town/City or Township)

In the Regional Municipality of Niagara  
(Region/County/District)

This 23<sup>rd</sup> day of March 2023.  
(day) (month)

PAUL RICHIE, President  
Owner Name (Please print) 4572 Queen St  
LTD.

[Signature]  
Owner Signature

\_\_\_\_\_  
Owner Name (Please print)

\_\_\_\_\_  
Owner Signature

CORPORATE SEAL (if applicable)

Note: If the subject property is owned by a numbered company, please include the names/signatures of the principal owners.



# SCHEDULE D – OWNER AUTHORIZATION

## AUTHORIZATION TO ACT ON BEHALF OF THE OWNER

(Must be completed if the applicant/agent is not the registered owner of the lands)

I / We, being the registered owner(s) of the lands subject to this application hereby authorize Steven Sondeland of SJS Bowery Consultants Inc.  
(Name of Person and Company if applicable)

of the Town/City of Niagara Falls  
(Town/City or Township)

In the Regional Municipality of Niagara  
(Region/County/District)

This 23<sup>rd</sup> day of March 2023.  
(day) (month)

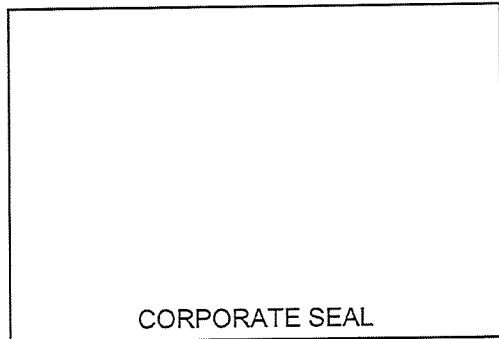
PHILIP RICHIE PRESIDENT  
Owner Name (Please print)

4572 Queen St  
LTD.

Owner Signature

\_\_\_\_\_  
Owner Name (Please print)

\_\_\_\_\_  
Owner Signature



NOTE: if the registered owner is a corporation, the corporate seal must be affixed to this form in addition to the signature of authorized signing officers.