



**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 # <u>A-2023-011</u>
Property: <u>6486 Laguna Ct.</u>
Date Reviewed: <u>Apr. 18, 2023</u> By: <u>S. Anderson</u>
Date Deemed Complete: <u>April 24, 2023</u>
Hearing Date: <u>May. 23, 2023</u>

Date Received:
RECEIVED
APR 17 2023
PLANNING & DEVELOPMENT

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"> <input type="checkbox"/> Property line dimensions <input type="checkbox"/> Size and type of all buildings and structures <input type="checkbox"/> Dimensions between buildings and structures to property lines <input type="checkbox"/> Number of storeys and height of building <input type="checkbox"/> Parking spaces and maneuvering aisles <ul style="list-style-type: none"> o Properly sized and spaces numbered. <input type="checkbox"/> Sidewalk and curb locations <input type="checkbox"/> Size and type of new building additions <input type="checkbox"/> Scale of plan <input type="checkbox"/> North Arrow <input type="checkbox"/> Street Names <input type="checkbox"/> Identify location of variance(s) <input type="checkbox"/> Driveway location and width <input type="checkbox"/> Tree locations <input type="checkbox"/> Building coverage (% of lot area) <input type="checkbox"/> Landscaped area (% of lot area) | <ul style="list-style-type: none"> <input type="checkbox"/> Location, size, dimensions of all existing and proposed structures to remain or to be removed on the subject land. <input type="checkbox"/> All setbacks: front yard depth, rear yard depth, side yard width (exterior and interior) <input type="checkbox"/> Existing uses of abutting properties <input 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) <input type="checkbox"/> Location of Septic System and well <input 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) <input type="checkbox"/> If water access, location of parking and docking facility. <input type="checkbox"/> Location and nature of any easements of property |
|--|---|

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 6486 Laguna Crt		Assessment Roll Number	
Legal Description PLAN 59M120 PT LOT 15 59R6574 PT 01			
Date the subject lands were acquired:		Date of construction of the buildings or structures on the land: +/- 1980	
Lot Frontage 10.31	Width of road allowance		
Lot Depth 37.76	Width of street		
Lot Area 356.36	Existing Use: (Residential, Industrial, Institutional, Commercial) residential		
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 Jelka Zelenbaba	Company Name	Municipality Niagara Falls	
Mailing Address [REDACTED]		Unit Number	Postal Code [REDACTED]
Province [REDACTED]	Email [REDACTED]	Telephone [REDACTED]	
4. Authorized Agent (if one has been authorized)			
Name Thomas De Simone	Company Name De Simone Designs	Municipality Niagara Falls	
Mailing Address [REDACTED]		Unit Number	Postal Code [REDACTED]
Province [REDACTED]	Email [REDACTED]	Telephone [REDACTED]	
Contact for all future correspondence (Select one)			
<input type="checkbox"/> Registered Owner <input checked="" type="checkbox"/> Authorized Agent			
5. Official Plan and Zoning Information			
Official Plan designation(s) of the subject lands: Residential		Zoning of the subject lands: R2 Zone	

6. Details of the Proposal				
Show the extent of the relief being applied for:				
By-law Section	Provision	By-law Requirement	Proposed	Extent of Variance
Section 5	12 (a) ^{AD} b	ADU max area 40% floor area of primary dwelling unit	ADU of 75% of floor area of existing single storey dwelling	Increase allowable ADU area from 40% to 75% 76% ^{AD} Increase of 30% 36% ^{AD}

Explain why the proposed use cannot comply with the provisions of the Zoning By-law:
Existing dwelling floor area ±1038sf. Existing basement is finished with wet bar, bathroom, laundry/furnace room and existing bedroom & rec room divided by existing load bearing walls. Intent is to utilize existing basement area and finished rooms, separating laundry/furnace and stair for primary unit. Bylaw written to control size of ADU units, however 40% of 1038 sf creates an undesirable bachelor unit of ±415.2sf which would require alterations to existing fixture locations to suit. Utilizing the existing basement layout, a functional two bedroom unit is attainable with minimal renovation work required, this would provide the type of unit which is in need to address the affordable housing needs within Niagara.

7. Buildings or Structures currently existing or proposed for the subject land (metric):		
Dimensions	Existing	Proposed
1. Dwelling		
Front Yard Setback	???	unaltered
Rear Yard Setback	???	
Side Yard Setback	???	
Side Yard Setback	???	
Lot coverage (m ²)	???	
Ground Floor Area	+/-1038 sf / +/-96.4 sm (unaltered)	
Total Floor Area Excluding Basement	+/-1038 sf / +/-96.4 sm (unaltered)	
Width of building	+/-6.44m (unaltered)	
Length of building	+/-15.18m (unaltered)	
Height of building	+/- 7.5m (unaltered)	
Number of Storeys	1 storey	↓
2. Accessory Building not applicable		
Front Yard Setback		
Rear Yard Setback		
Side Yard Setback		
Side Yard Setback		
Lot coverage (m ²)		
Ground Floor Area		
Total Floor Area		
Width of building		
Length of building		
Height of building		
Number of Storeys		
3. Other Building (i.e. shed) not applicable		
Front Yard Setback		
Rear Yard Setback		
Side Yard Setback		
Side Yard Setback		
Ground Floor Area		
Lot coverage (m ²)		
Total Floor Area		
Width of building		
Length of building		
Height of building		
Number of Storeys		

8. Access (select all that apply)		
<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	
9. Municipal services available		
<input checked="" type="checkbox"/> Water <input checked="" type="checkbox"/> Sanitary Sewers <input checked="" type="checkbox"/> Storm Sewers		
10. Previous Applications		
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 type="checkbox"/> No <input checked="" type="checkbox"/> Unknown		
If yes, provide the information requested below for each previous application:		
Application Type	File Number	Status of the Application
11. Concurrent Applications		
Application Type	File Number	Status of the Application
12. Enlargement or extension of a Legal Non-Conforming Use not applicable		
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 <i>not applicable</i>
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: <input type="checkbox"/> Yes <input type="checkbox"/> No
Describe why the proposed use is, in your opinion, more compatible with the area than the existing use:

14. Interpretation of General Terms <i>not applicable</i>
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 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, Thomas De Simone
(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 force and effect as if made under oath by the virtual of THE CANADA EVIDENCE ACT.

Dated at the: Niagara Falls
(Town, City or Township)

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

this 17 day of April 2023.
(day) (month)

Thomas De Simone
Name (Please print)

Thomas De Simone
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 17 day of APRIL 2023.
(day) (month)

[Signature]
A Commissioner, etc.

Ellen Roupas
a Commissioner, etc.,
Province of Ontario, for
the Corporation of the City of Niagara Falls.
Expires April 25, 2025

Commission Stamp



**SCHEDULE C
SITE ACCESS PERMISSION FORM**

To be completed by the owner:

I / We, Jelka Zelenbaba being the registered owner(s)
of 6486 Laguna Crt, Niagara Falls
(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 14 day of April 2023.
(day) (month)

Jelka Zelenbaba
Owner Name (Please print)

Jelka
Owner Signature

JELKA ZELENBABA
Owner Name (Please print)

Jelka
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 Thomas De Simone w/ De Simone Designs
(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)

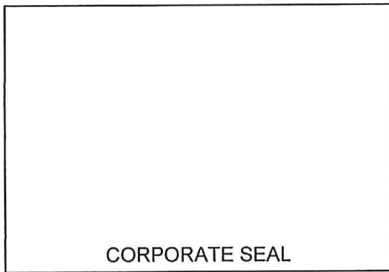
This 14 day of April 2023.
(day) (month)

Jelka Zelenbaba
Owner Name (Please print)

Jelka
Owner Signature

JELKA ZELENBABA
Owner Name (Please print)

Jelka
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.