



RECEIVED  
APR 21 2023  
PLANNING & DEVELOPMENT

Minor Variance Application  
Committee of Adjustment

Updated: December 2016

For Use by City Staff Only

Application Number: A-2023-013

Date Received: April 21, 2023

Date Application Received Complete: Apr. 24, 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

AAH

Legal Description of the Subject Lands

Municipal Address: 8481 EARLTHOMAS AVENUE NIAGARA FALLS ON L2G 0B5

Lot No(s): \_\_\_\_\_ Concession No.: \_\_\_\_\_

Reference Plan: \_\_\_\_\_ Part(s): \_\_\_\_\_

Reference Plan: Plan 243 Lot(s)/Block(s): 27,28+29

CONTACT INFORMATION:

Applicant

Applicant is:  Owner or  Authorized Agent of Owner (if selected complete and attach authorization form)

Last Name: Hellwig First Name: Andrew Corporation or Partnership: Andrew Allen Hellwig Design Consultants Inc.

Street Address: \_\_\_\_\_ Unit No. \_\_\_\_\_ Lot/Con: \_\_\_\_\_

Municipality: \_\_\_\_\_ Postal Code: \_\_\_\_\_ Province: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Cell Number: \_\_\_\_\_ Email: \_\_\_\_\_

Owner (if different from applicant)

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ Corporation or Partnership: 2676831 ONTARIO INC

Street Address: \_\_\_\_\_ Unit No. \_\_\_\_\_ Lot/Con: \_\_\_\_\_

Municipality: \_\_\_\_\_ Postal Code: \_\_\_\_\_ Province: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Cell Number: \_\_\_\_\_ Email: \_\_\_\_\_

Agent

Last Name: Hellwig First Name: Andrew Corporation or Partnership: Andrew Allen Hellwig Design Consultants Inc.

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: L-1 Light Industrial

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

By-law Section	Subsection	Clause/Subclause	Page Number	Provision
11.2	11.2 (j)	11.2 (j) (ii)	115	67% exterior s.y landscaping

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

By-law Section	By-law Requirement	Proposed	Extent of Variance
11.2.(j)(ii)	min 67% (763.11m2)	37.08% (422.37m2)	29.92% (340.74m2)

(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)**

Access to the proposed new warehouse addition will reduce the opportunity to maintain landscaped open space requirements, including an existing condition of the current parking area which was established back in 1997 at the time of a previous building expansion

\_\_\_\_\_

\_\_\_\_\_

3. Dimensions of land affected:

Lot Frontage: 83.82m Width of road allowance: \_\_\_\_\_  
Lot Depth: 147.82m Width of street: \_\_\_\_\_  
Lot Area: 13,470.5 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	2676.00m2	923.76M2	3599.76m2
Total Floor Area	2676.00m2	923.76M2	3599.76m2
Width	38.1m	19.7m	
Length	74.1m	45.4m	
Height	8.0m	8.0m	
Number of Storeys	1	1	

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	19.6m (East)	98.5m (east)
Side Lot Line (1)	29.1 (North)	14.1m (North)
Side Lot Line (2)	20.6m (South)	28.7m (South)
Rear Lot Line	58.7m (West)	34.2m (West)

6. Date of acquisition of subject land: 2019-03-01

7. Date of construction of the building or structures on the subject land: 1989

8. Existing use(s) of the subject property: INDUSTRIAL warehousing/manufacturing

9. Existing use(s) of abutting properties:

North: Light Industrial East: Progress Avenue (publicly travelled road)

South: Earl Thomas Drive (publicly travelled road) West: Light Industrial

10. Length of time the existing uses of the subject property have continued:  
1989

11. Municipal services available:

- Water
- Sanitary Sewers
- Storm Sewers

12. Official Plan designation of the land: INDUSTRIAL

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 21 day of April, 2023.

I, ANDREW HELMIG of the CITY of ST. CATHARINES  
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 CITY )  
of NIAGARA FALLS, in the Regional )  
Municipality of NIAGARA, this 21 )  
Day of APRIL, 2023 )

AWH

- owner
- applicant
- agent

[Signature]  
A Commissioner for Taking Affidavits

Susan Alice Jean Scerbo  
a Commissioner, etc.,  
Province of Ontario, for  
the Corporation of the City of Niagara Falls.  
Expires February 2, 2024

**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](http://www.niagarafalls.ca)



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

## OWNER'S AUTHORIZATION FORM

Address and Description of Subject Land:

8481 Earl Thomas Drive

Niagara Falls Ontario, L2G 0B5

I/We Mr Chris Gleis & \_\_\_\_\_  
Owner's Name(s)

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

Andrew Hellwig of the St. Catharines  
(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 Falls

In the Regional Municipality of Niagara, this 03 day of April, 202023.

Donna Macmillan  
Signature of Witness

[Signature]  
Signature of Owner (Seal)

Signature of Witness

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.