



**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-2023-021</u> Property: <u>4188-4190 Terrace Av.</u> Date Reviewed: <u>Jun. 27, 2023</u> By: <u>S. Anderson</u> Date Deemed Complete: <u>June 27, 2023</u> Hearing Date: <u>July 25, 2023 (deferred)</u> <u>Aug. 29, 2023</u>	Date Received: RECEIVED JUN 26 2023 PLANNING & DEVELOPMENT
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Revision rec'd July 26, 2023 AA.

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) (N/A)
- 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"> <input type="checkbox"/> 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 checked="" 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 4188 TERBACE 4190 AVE	Assessment Roll Number
Legal Description LT 47 PL 996 NFls ; NFls	
Date the subject lands were acquired: 2007	
Date of construction of the buildings or structures on the land: UNKNOWN	
Lot Frontage 15.28 M	Width of road allowance
Lot Depth 37 M +/-	Width of street
Lot Area 552.7 M²	Existing Use: <u>Residential</u> Industrial, Institutional, Commercial)
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 CLARE + RANDY FADER	Company Name
Mailing Address [REDACTED]	Municipality [REDACTED]
Province [REDACTED]	Unit Number
Email [REDACTED]	Postal Code [REDACTED]
Telephone [REDACTED]	
4. Authorized Agent (if one has been authorized)	
Name	Company Name
Mailing Address	Municipality
Unit Number	Postal Code
Telephone	
Contact for all future correspondence (Select one)	
<input checked="" type="checkbox"/> Registered Owner <input type="checkbox"/> Authorized Agent	
5. Official Plan and Zoning Information	
Official Plan designation(s) of the subject lands: RESIDENTIAL	Zoning of the subject lands: R 2

6. Details of the Proposal			
Show the extent of the relief being applied for:			
By-law Section	Provision	By-law Requirement	Proposed
4.13 F	ACCESSORY STRUCTURE	4.6 M	4.7 M
4.19.3(a)	Max width of driveway	60% of lot frontage no more than 9 metres	76.10% 11.65m
<p>Explain why the proposed use cannot comply with the provisions of the Zoning By-law: BUILDING BUILT ALREADY (GARAGE)</p>			

7. Buildings or Structures currently existing or proposed for the subject land (metric):	
Dimensions	Existing / Proposed
1. Dwelling	
Front Yard Setback	5.8 M
Rear Yard Setback	4.5 M
Side Yard Setback	2.5 M
Side Yard Setback	2.9 M
Lot coverage (m ²)	251.67 M ²
Ground Floor Area	161.64 M ²
Total Floor Area	161.64 M ²
Width of building	13.7 M
Length of building	20.73 M
Height of building	10 M
Number of Storeys	1 + 2
2. Accessory Building	
Front Yard Setback	
Rear Yard Setback	
Side Yard Setback	4.5 M
Side Yard Setback	9.1 M
Side Yard Setback	2.5 M ²
Lot coverage (m ²)	24 M ²
Ground Floor Area	24 M ²
Total Floor Area	24 M ²
Width of building	3.9 M
Length of building	6.2 M
Height of building	4.7 M
Number of Storeys	1
3. Other Building (i.e. shed)	
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	
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: <div style="text-align: center; font-size: 1.5em; font-weight: bold;">R2</div>	
General use(s) currently established in the building or structure: <div style="text-align: center; font-size: 1.2em; font-weight: bold;">RESIDENTIAL</div>	
How long has the use been in existence: <div style="text-align: center; font-size: 1.2em; font-weight: bold;">50+ YEARS (GARAGE 2+)</div>	
If the use(s) described above is not a residential use describe more precisely the principle operational aspects of the use: <div style="text-align: center; font-size: 1.2em; font-weight: bold;">GARAGE</div>	
What use(s) or what part of your operation is proposed for the extension or enlargement: <div style="text-align: center; font-size: 1.2em; font-weight: bold;">GARAGE</div>	
Describe how the proposed extension or enlargement has had regard to existing zoning regulations and possible environmental considerations: <div style="text-align: center; font-size: 1.2em; font-weight: bold;">LOT COVERAGE .53% EXCESS 4 HEIGHT 11 METER EXCESS</div>	

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:

ALLOW ~~THE~~ LOT COVER VARIANCE OF 53% M²
ALLOW HEIGHT REQUIREMENT of 1 m

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:

CAR PARK + STORAGE

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:

GARAGE HAS BEEN ERECTED BY AN
LARGER THAN ALLOWABLE BY AN
EXTREMELY SMALL AMOUNT

What is the present zoning of the subject lands:

R2



**SCHEDULE C
SITE ACCESS PERMISSION FORM**

To be completed by the owner:

I/We, RAUDY FADER being the registered owner(s)
of NFLS 4188/4190 TERRACE AVE
(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 JUNE 26 2023
(Town/City or Township)

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

This ~~JUNE 26~~ ^{CF} 26 day of JUNE 2023.
(day) (month)

RAUDY FADER
Owner Name (Please print) [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 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, RANDY FADER
(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 y the virtual of THE CANADA EVIDENCE ACT.

Dated at the: JUNE 26 2023
(Town, City or Township)

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

this 26 day of JUNE 2023.
(day) (month)
RANDY FADER
Name (Please print) 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 26 day of June 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