

PART I



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-2023-025

Property: 3955 Main St. (Part I)

Date Reviewed: July 6, 2023 By: S. Anderson

Date Deemed Complete: July 6, 2023

Hearing Date: August 29, 2023
Sept 26, 2023

Date Received:

RECEIVED

JUL 06 2023

PLANNING
& DEVELOPMENT

COMPLETE APPLICATION -revision rec'd Aug. 22nd JA

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



Application for Minor Variance

(Under Section 45 of the Planning Act, R.S.O., 1990, c.P.13, as amended)
Page 3 of 6

1. Type of Application			
<input checked="" type="checkbox"/> Minor Variance (complete sections 1 – 12) Extension or Enlargement of a Legal Non-Conforming Use (Section 1-5 and 7-13) Change of Legal Non-conforming use (Section 1-5 and 7-14) Interpretation of General Terms (Section 1-5, 7-14 and 15)			
2. Details of the Subject lands			
Municipal Address		Assessment Roll Number	
3955 Main Street, Niagara Falls, Ontario			
Legal Description			
Part of Lot 145, North Side of Main Street, Registered Plan No. 251, City of Niagara Falls			
Date the subject lands were acquired: December 1, 2022		Date of construction of the buildings or structures on the land: Unknown	
Lot Frontage See plan		Width of road allowance Various	
Lot Depth See plan		Width of street Various	
Lot Area See plan		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	Company Name	Municipality	
Amyk Kassam	Amikas Holdings Limited	[REDACTED]	
Mailing Address		Unit Number	Postal Code
[REDACTED]		[REDACTED]	[REDACTED]
Province	Email	Telephone	
[REDACTED]	[REDACTED]	[REDACTED]	
4. Authorized Agent (if one has been authorized)			
Name	Company Name	Municipality	
Brent Larocque	The Larocque Group	[REDACTED]	
Mailing Address		Unit Number	Postal Code
[REDACTED]		[REDACTED]	[REDACTED]
Province	Email	Telephone	
[REDACTED]	[REDACTED]	[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	

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
7.7.2	Minimum lot area for detached dwelling	370 sq m	277.8 sq m	92.2 sq m
7.7.2	Minimum rear yard depth	7.5 metres	5.28 metres	2.22 metres
<p>Explain why the proposed use cannot comply with the provisions of the Zoning By-law: These creates an affordable property for ownership. It recognizes an existing situation. It is above zoning provisions that are acceptable in other areas of the City. It is not out of character with the neighbourhood.</p> <p>It follows More Homes Built Faster Act 2022.</p>				

SEE
PAGE
10



7. Buildings or Structures currently existing or proposed for the subject land (metric):		
Dimensions	Existing	Proposed
1. Dwelling		
Front Yard Setback	3.37	No change
Rear Yard Setback	5.28	
Side Yard Setback	1.35	
Side Yard Setback	4.89	
Lot coverage (m ²)	277.8	
Ground Floor Area	79.1	
Total Floor Area		
Width of building	5.9	
Length of building	11.4	
Height of building	8.2	
Number of Storeys	2	
2. Accessory Building		
Front Yard Setback	Not applicable	Not applicable
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)		
Front Yard Setback	Not applicable	Not applicable
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		



Application for Minor Variance

(Under Section 45 of the Planning Act, R.S.O., 1990, c P 13, as amended)
Page 5 of 6

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	Niagara River Parkway Private easement Provincial highway

9. Municipal services available
<input checked="" type="checkbox"/> Water <input checked="" type="checkbox"/> Sanitary Sewers <input 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 checked="" type="checkbox"/> Yes <input 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
CONSENT	B107/96	COMPLETED

11. Concurrent Applications		
Application Type	File Number	Status of the Application
CONSENT	B-2023-008	FILED CONCURRENTLY
MINOR VARIANCE	A-2023-026	FILED CONCURRENTLY

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:
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 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, Brent Larocque
(Name of Owner or Applicant/Agent on behalf of owner if required)

of the Town/City of St. Catharines
(Town, City or Township)

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

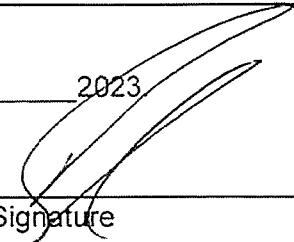
solemnly declare that all the statements contained in this application are true, and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same fore and effect as if made under oath y the virtual of THE CANADA EVIDENCE ACT.

Dated at the: City of St. Catharines
(Town, City or Township)

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

this 29th day of June 2023
(day) (month)

Brent Larocque
Name (Please print)

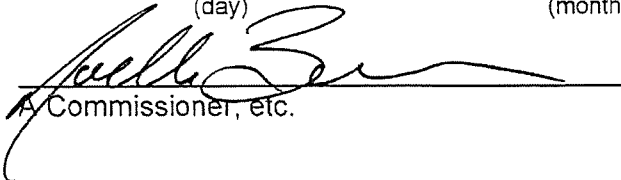

Signature

COMMISSIONER:

Declared before me at the Town/City of St. Catharines
(Town, City or Township)

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

this 29th day of June 2023.
(day) (month)


A Commissioner, etc.

Anne Noelle Bachner, a Commissioner,
etc., Province of Ontario, for
Richard Larocque Limited.
Expires January 15, 2024.

Commission Stamp



**SCHEDULE C
SITE ACCESS PERMISSION FORM**

To be completed by the owner:

I / We, Amikas Holdings Limited being the registered owner(s)
of 3953 & 3955 Main Street, Niagara Falls, Ontario
(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 St. Catharines
(Town/City or Township)

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

This 29th day of June 2023.
(day) (month)

Amy Kassam, President
Owner Name (Please print)

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 Brent Larocque/The Larocque Group
(Name of Person and Company if applicable)

of the Town/City of St. Catharines
(Town/City or Township)

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

This 29th day of June 2023.
(day) (month)

Aryn Kassam, President
Owner Name (Please print)

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.

6. Details of Proposal (3955 Main Street)

By-law Section	Provision	By-law Requirement	Proposed	Extent of Variance
7.7.2(c)	Minimum front yard depth (A-23/96)	3.34 metres + 13 metres from the centerline of Main Street	3.37 + 10.06 from the centerline of Main Street	0.03 metres
4.19.4	Maximum area of a rear yard which can be used as a parking area	40 square meters	40.1 square meters	0.1 square meters
7.7.2(a)(i)	Minimum lot area for a detached dwelling	370 square metres.	277.8 square metres	92.2 square metres
7.7.2(d)	Minimum rear yard depth	7.5 metres	5.28 metres	2.22 metres