



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-2023-034
Property: 7572 Lundy's Lane
Date Reviewed: Aug 24, 2023 By: S. Anderson
Date Deemed Complete: Aug. 24, 2023
Hearing Date: September 26, 2023

Date Received:
RECEIVED
AUG 24 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"> <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 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 7572 LUNNY LAKE | | Assessment Roll Number | |
| Legal Description | | | |
| Date the subject lands were acquired: JULY 14/2021 | | Date of construction of the buildings or structures on the land: APPROX 1970's | |
| Lot Frontage 15.43m | | Width of road allowance 20.12m | |
| Lot Depth 39.31m | | Width of street 12.19m | |
| Lot Area 1,087.61m² | | Existing Use: (Residential, 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 AMRIS JELLY GREENAL | | Company Name | Municipality [REDACTED] |
| Mailing Address [REDACTED] | | Unit Number | Postal Code [REDACTED] |
| Province [REDACTED] | [REDACTED] | Telephone [REDACTED] | |
| 4. Authorized Agent (if one has been authorized) | | | |
| Name Lou Milone | | Company Name | Municipality [REDACTED] |
| Mailing Address [REDACTED] | | Unit Number | Postal Code [REDACTED] |
| Province [REDACTED] | [REDACTED] | Telephone [REDACTED] | |
| Contact for all future correspondence (Select one) | | | |
| <input checked="" type="checkbox"/> Registered Owner <input checked="" type="checkbox"/> Authorized Agent | | | |
| 5. Official Plan and Zoning Information | | | |
| Official Plan designation(s) of the subject lands: TOURIST COMMERCIAL | | Zoning of the subject lands: TOURIST COMMERCIAL | |

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 |
|----------------|----------------------|--------------------|----------|--------------------|
| 8.6.2(f)(i) | Min. rear yard depth | 10.0M | 8.68M | 1.32M |
| | | | | |
| | | | | |
| | | | | |

Explain why the proposed use cannot comply with the provisions of the Zoning By-law:

EXISTING BUILDING IS LEGAL NON-CONFORMING
EXISTING PATIO w/ NEW PROPERTY COVERAGE 120P

7. Buildings or Structures currently existing or proposed for the subject land (metric):

| Dimensions | Existing | Proposed |
|--------------------------------------|---------------------------|----------|
| 1. Dwelling | | |
| Front Yard Setback | NORTH 17.16 (LUNNY'S LAW) | SAME |
| Rear Yard Setback | SOUTH 8.68M | SAME |
| Side Yard Setback | EAST 1.63M | SAME |
| Side Yard Setback | WEST 9.65M | SAME |
| Lot coverage (m ²) | 761.33 m ² | SAME |
| Ground Floor Area | 260.04 m ² | SAME |
| Total Floor Area | SAME | SAME |
| Width of building | 10.240M | SAME |
| Length of building | 13.470M | SAME |
| Height of building | 5.944M | 5.944M |
| Number of Storeys | 2 | SAME |
| 2. Accessory Building | | |
| 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) | | |
| 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 |
|---|
| <p>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?</p> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown |
| <p>If yes, provide the information requested below for each previous application:</p> |

| 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 |
|---|
| <p>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:</p> |
| <p>Current Zoning of the subject land: <i>TOURIST Commercial</i></p> |
| <p>General use(s) currently established in the building or structure: <i>TOURIST Commercial</i></p> |
| <p>How long has the use been in existence: <i>50 YRS APPROX.</i></p> |
| <p>If the use(s) described above is not a residential use describe more precisely the principle operational aspects of the use: <i>COMMERCIAL 1st FL. (2nd FL OWNER RESIDENTIAL)</i></p> |
| <p>What use(s) or what part of your operation is proposed for the extension or enlargement: <i>ADDING NEW FLOOR ON EXISTING 2ND FL PART</i></p> |
| <p>Describe how the proposed extension or enlargement has had regard to existing zoning regulations and possible environmental considerations: <i>LEGAL NON-CONFORMING</i></p> |

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) |
|--|--|
| Niagara Peninsula Conservation Authority (NPCA) 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. | Consent: Minor - \$1,050.00 Major - \$1,987.50 Minor Variance: Minor - \$ 600.00 Major - \$1,800.00 |
| Niagara Region (2022 fees) | |
| 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 |
| Niagara Escarpment Commission Development Permit | |
| 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, AMRIT PAUL SINGH GRAWAL
(Name of Owner or Applicant/Agent on behalf of owner if required)

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

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

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

Amrit Paul Singh Grawal
Name (Please print)

Grawal
Signature

COMMISSIONER:

Declared before me at the Town/City of CITY OF NIAGARA FALLS
(Town, City or Township)

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

this Thursday 24th day of AUGUST 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, AMRIT GREWAL being the registered owner(s)
of 7522 LUNNY'S LANE
(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 24 day of Aug 2023.
(day) (month)

AMRIT GREWAL
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 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 Amrit Grewal Lou Melone
(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)

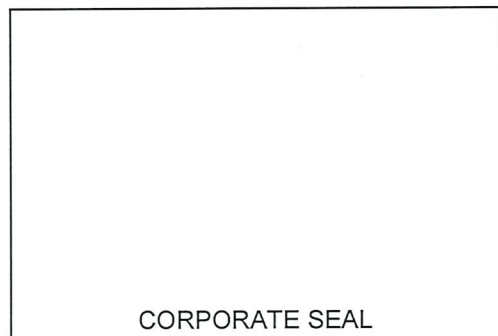
This 24 day of Aug 2023.
(day) (month)

AMRIT GREWAL
Owner Name (Please print)

Amrit Grewal
Owner Signature

Amrit Grewal
Owner Name (Please print)

Amrit Grewal
Owner Signature



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