

**APPLICATION TO THE
COMMITTEE OF ADJUSTMENT
CITY OF NIAGARA FALLS**

**THE PLANNING ACT - SECTION 45
MINOR VARIANCE/NON-CONFORMING USES/INTERPRETATION OF GENERAL TERMS**

OWNERS' AUTHORIZATION FORM:

Applications submitted by someone other than the land owner must be accompanied by the owner's authorization. A copy of an authorization form is attached.

APPLICATION AND FEE:

Applications are to be printed or typed except where signatures are required. A copy of a registered deed of the property is required for all applications. A copy of a survey, if available, should be included with all applications.

The application form is to be completed, signed by the applicant(s) or authorized agent and properly witnessed by a Commissioner for Taking Affidavits. This Commissioner service is available at City Hall. Applications are filed with the Secretary-Treasurer to the Committee of Adjustment, together with the required plans and processing fee of **\$1,050.00 plus any applicable charges from agencies**, made **payable by cheque** to the Treasurer of the City of Niagara Falls.

The need for complete and correct applications and information on the Public Notice:

- An incomplete application will be returned to the applicant or agent.
- A notice is prepared and mailed to the public for a complete application.
- After the initial public notification, if incorrect or insufficient information is found during the detailed technical review, it may result in the application being deferred to another date.
- If a second notice to clarify or correct information is needed, this will be done as soon as possible at the applicant's expense (\$150.00 re-circulation fee).
- If the error results in more variances being required, the application cannot be dealt with and will be deferred to another date.

PLAN:

15 copies of a proper plan drawn to scale must be submitted with the application. All plans must be folded to 8 ½" x 11". The plan must be drawn **accurately** and provide the following information:

- | | |
|--|-------------------------------------|
| - Property line dimensions | - Scale of plan |
| - Size and type of all buildings & structures | - North Arrow |
| - Dimensions between buildings & structures and to property lines | - Street names |
| - Number of storeys and height of building | - Identify location of variance(s) |
| - Parking spaces and manoeuvring aisles properly sized and spaces numbered | - Identify abutting land uses |
| - Sidewalk and curb locations | - Driveway location and width |
| - Size and type of new building additions | - Tree locations |
| | - Building coverage (% of lot area) |
| | - Landscaped area (% of lot area) |

Requested variances to the height of a building require an elevation plan or cross sectional plan to be submitted. Variances related to or affecting buildings on abutting land must show the location, size, height and use of surrounding buildings on the submitted plan.

Please note that the Committee may require a plan to be prepared by an Ontario Land Surveyor, Engineer, Architect or Planner prior to making a decision on an application.

PUBLIC NOTICE SIGN:

The Committee of Adjustment requires a sign to be posted on the property as a means of providing public notice to satisfy Planning Act requirements (City of Niagara Falls By-law No. 2000-12).

The applicant/agent is responsible for posting the "Public Hearing" sign(s) on the subject property supplied by the Secretary-Treasurer. The sign must be posted in a location clearly visible from the public roadway and as may be determined by municipal staff. The sign must be maintained on the property for a specified time period. If the sign is removed prior to the public hearing date, the Secretary-Treasurer is to be contacted for a replacement sign. Committee members and staff will visit the subject property as part of the application review and to confirm that the sign is posted. The attached "Sign Posting Acknowledgement" form must be completed and submitted to the Secretary-Treasurer.

Failure to post the "Public Hearing" sign(s) will result in delays with your application(s) with additional re-circulation fee (s).

PUBLIC HEARING:

The applicant or their agent is required to attend all public hearings.

DEFERRAL REQUESTS:

The applicant is responsible for additional mailing fees whenever a public notice has been circulated and, at the request of the applicant, the hearing is deferred to another date.

For further information or clarification, please contact the Secretary-Treasurer to the Committee of Adjustment for the City of Niagara Falls, Planning & Development Department, P.O. Box 1023, 4310 Queen Street, Niagara Falls, Ontario, L2E 6X5, (905) 356-7521, extension 4239 from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding holidays.

APPLICATION TO THE COMMITTEE OF ADJUSTMENT

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. _____, (as amended).

1. Location and description of lands which are the subject of this application (see Instructions - Vacant Properties). Legal description of subject land (registered plan number and lot number or other legal description and, where applicable, street and house number).

Street Name _____ Street Number _____

Registered Plan No. _____ Lot No. _____ Part Lot No. _____

Township Lot & Concession _____

2. Names and addresses of any mortgagees, holders or other encumbrances:

3. Name of Owner(s) _____
Telephone Number _____

Address _____ Postal Code _____

4. Name of Applicant _____
(If other than owner - see Authorization)
Telephone Number _____

5. Name of Agent _____
(See Authorization)
Telephone Number _____

Address _____ Postal Code _____

6. Type of Application being made:

- Minor Variance (Section 45(1)) complete questions 1-19
- Extension or Enlargement of a Legal Non-Conforming Use (Section 45(2)(a)(I)) complete questions 1-6 and 8-20
- Change of Legal Non-Conforming Use (Section 45(2)(a)(ii)) complete questions 1-6 and 8-21
- Interpretation of General Terms (Section 45(2)(b)) complete questions 1-6 and 8-22

7. 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: _____

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

By-law Section	Subsection	Clause/Subclause	Page Number	Provision

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

By-law Section	By-law Requirement	Proposed	Extent of Variance

(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

8. Dimensions of land affected:

Lot Frontage _____
 Lot Depth _____
 Lot Area _____

Width of road allowance _____
 Width of street _____
 (Asphalt area or curb to curb)

9. 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			
Total Floor Area			
Width			
Length			
Height			
Number of Storeys			

10. 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		
Side Lot Line (1)		
Side Lot Line (2)		
Rear Lot Line		

11. Date of acquisition of subject land: _____

12. Date of construction of the building or structures on the subject land: _____

13. Existing use(s) of the subject property: _____

14. Existing use(s) of abutting properties:

North: _____ East: _____
 South: _____ West: _____

15. Length of time the existing uses of the subject property have continued: _____

16. Municipal services available:

- Water
- Sanitary Sewers
- Storm Sewers

17. Official Plan designation of the land: _____

18. Has the property been the subject of a previous application to the Committee of Adjustment?

- Yes
- No

If Yes, please describe briefly: _____

19. Is the property the subject of a current application for a Land Severance under Section 53 of the Planning Act?

- Yes
- No

20. 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:

21. 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 20 (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: _____

22. 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 _____ Day of _____, 20_____

I, _____ of the _____ of _____
in the Regional Municipality of _____,

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 _____)
of _____, in the Regional)
Municipality of _____, this _____)
day of _____, 20 _____)

- _____
 owner
 applicant
 agent

A Commissioner for Taking Affidavits

Note: It is the applicant's responsibility that they or their agent attend all public meetings for which notice has been given.