



**Notice of Decision of the Planning Advisory Committee**  
Respecting Application for Minor Variance  
*Sec. 45(8.1) of Planning Act*

RE AN APPLICATION BY: **MTM CONSTRUCTION & PROPERTY MANAGEMENT LTD**  
OWNER: **MTM CONSTRUCTION & PROPERTY MANAGEMENT LTD**  
FILE NO.: **MV-24-04**  
LOCATION of PROPERTY: **18 ELM STREET EAST**  
**PT LT 2 N/S OAK ST PL 13884 LANARK S SOUTH ELMSLEY; PT LT 3 N/S**  
**OAK ST PL 13884 LANARK S SOUTH ELMSLEY BEING PART 2 ON**  
**27R3511; TOWN OF SMITHS FALLS**

**TAKE NOTICE** that the Planning Advisory Committee of the Town of Smiths Falls held a public meeting on September 12<sup>th</sup>, 2024, to consider a proposed minor variance application under Section 45(3) of the *Planning Act* and made a decision on the application that same day, as outlined below.

**PURPOSE OF APPLICATION:** The purpose of Application B24-02 is to divide an 11,076.05 ft<sup>2</sup> (1028.99 m<sup>2</sup>) lot at 18 Elm Street East to create two new parcels. The existing through lot fronts on both Elm Street East and Oak Street. Through this application, the applicant proposes to split the lot perpendicular to the streets, resulting in two new through lots measuring 150.44 ft (45.85 m) in depth, with 11.46 m of frontage on Elm Street (defined as the front lot line).

The subject property is currently vacant; however the applicants propose to construct an 8-unit residential building, which will be bisected by way of the proposed consent, resulting in four units on each resultant lot. The subject property is zoned Residential Type 2 (R2) and designated Residential in the Town's Official Plan. The Zoning By-law permits multi-unit dwellings in the R2 Zone, up to 4 units per lot.

**YOUR RIGHT TO APPEAL:** The applicant, the Minister or specified person or public body that has an interest in this matter may appeal the decision of the Planning Advisory Committee (acting as the Committee of Adjustment) to the Ontario Land Tribunal (formerly the Local Planning Appeal Tribunal) within 20 days of the making of the decision. An appeal must be filed with the Secretary-Treasurer of the Planning Advisory Committee and must set out the objection to the decision accompanied by the fee prescribed by the Ontario Land Tribunal.

For more information on making an appeal, please visit: <https://olt.gov.on.ca/>

**The last date for filing an appeal is October 7, 2024.**

**MORE INFORMATION:** For further information on this application, please contact the Secretary-Treasurer during regular office hours Monday to Friday 8:30 a.m. to 4:30 p.m.

**DATED AT THE TOWN OF SMITHS FALLS THIS 18th day of September 2024.**

**Karl Grenke, MCIP, RPP,**  
**Manager of Development Services/ Secretary Treasurer**  
Town of Smiths Falls  
Telephone: 613-283-4124 ext. 1116  
Email: [kgrenke@smithsfalls.ca](mailto:kgrenke@smithsfalls.ca)



## DECISION OF THE TOWN OF SMITHS FALLS PLANNING ADVISORY COMMITTEE RESPECTING APPLICATION FILE NO. MV-24-04

**WE**, the undersigned, in making the decision upon this application, have considered whether or not the variance requested was minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, or in the case of a change in use of property which is lawfully non-conforming under the by-law, as to whether or not this application has met the requirements of subsection 45(2) of the *Planning Act*,

CONCUR in the following decision and reasons for the decision made on the 12<sup>th</sup> day of September 2024.

**DECISION: Approve variance to Zoning By-law 10375-2022 to allow the requested reliefs, subject to the following conditions:**

1. *The decision shall apply to permit an 11.43 m lot frontage, 0.0 m interior side yard setback (with 5.76 m on the other side), and a residential unit density of one unit per 134.8 sq. m of lot area for the proposed residential development at 18 Elm Street East, as indicated on the attached site plan & front elevation and dated September 12<sup>th</sup>, 2024.*
2. *The applicant shall provide and implement a Grading & Drainage plan and Stormwater Management brief ensuring zero-net runoff on neighbouring properties. To mitigate stormwater runoff, the applicant must incorporate low-impact development techniques to manage stormwater runoff, i.e., French drains, roof leader controls, permeable pavers, etc. The applicant must provide a Grading & Drainage plan and Stormwater Management brief to define LID methodologies and net-zero runoff to the satisfaction of the Public Works and Utilities Department and be implemented through an agreement between the Town and the applicant.*
3. *The Owner shall confirm to the satisfaction of the Town that the new development is constructed as approved through an as-built survey.*
4. *The maximum number of bedrooms shall be five (5) on each lot, as described through Consent Application B24-02.*
5. *Consent Application B24-02 receives final approval.*
6. *The decision outlined above is valid for two years from the date the decision is issued, at which time a building permit must be obtained.*

### **REASONS FOR DECISION:**


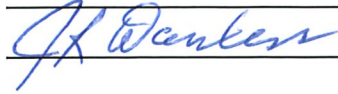
1. The Committee reviewed the evidence presented at the hearing and determined that the proposal would result in a minor impact on the local community and represent an opportunity for the creation of a multi-unit residential dwelling in the Residential Type 2 zone.
2. The Committee determined that the variance enables a desirable form of development that could be justified within the context of Official Plan policies regarding residential development and could be appropriately serviced.
3. The Committee felt that the application meets the Four Tests outlined in the Planning Act.

### **EFFECT OF WRITTEN AND ORAL SUBMISSIONS:**



*The Committee considered feedback regarding compatibility, traffic, servicing and neighbourhood character and determined that the massing and design of the proposed development mitigated impact, and that design and engineering concerns can be addressed in subsequent technical approvals.*



Signatures of all members concurring with this decision:

  
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**CERTIFICATE**

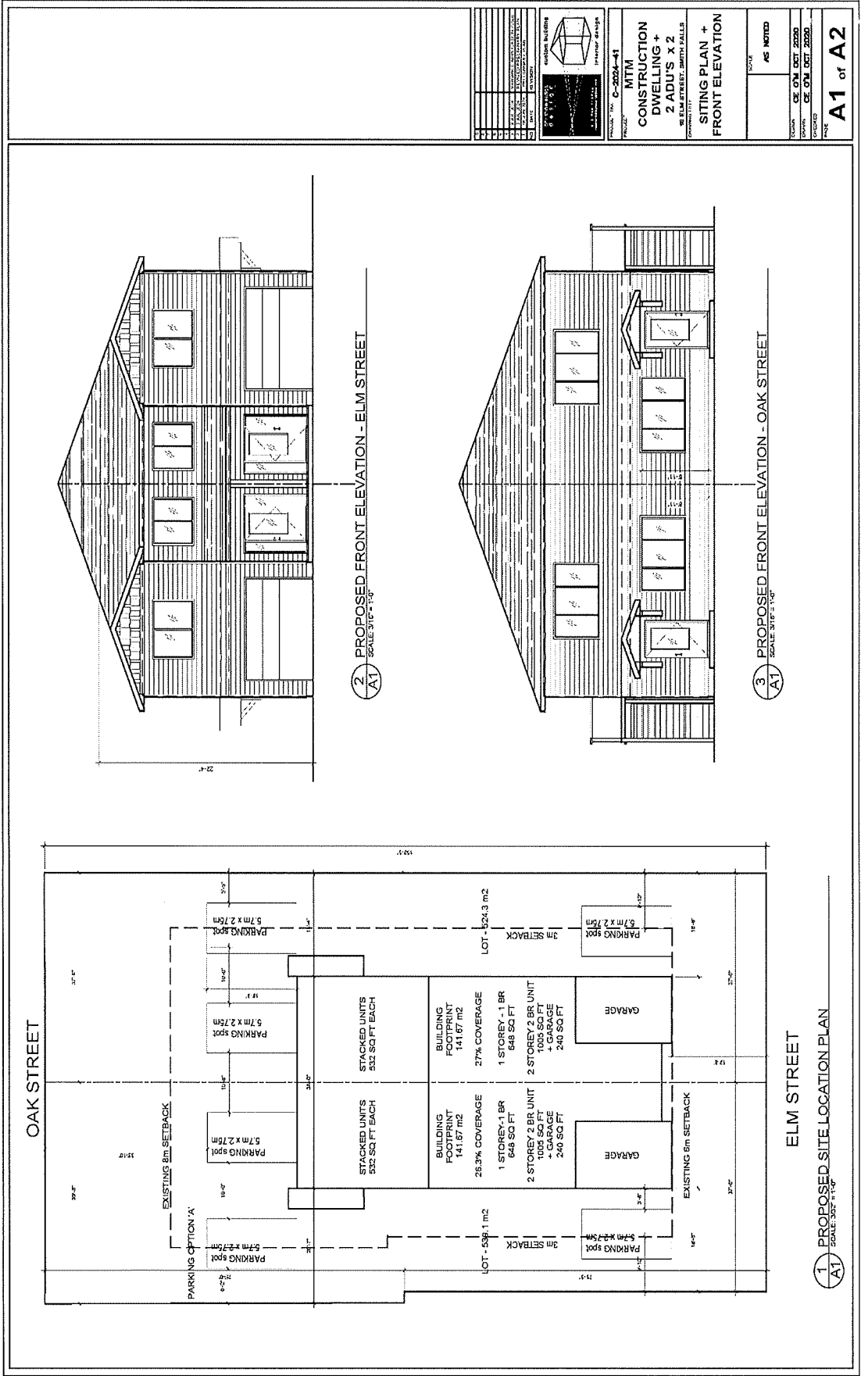
I, Karl Grenke, Secretary/Treasurer of the Planning Advisory Committee of the Town of Smiths Falls certify that the above is a true copy of the decision of the Committee of Adjustment with respect to the application recorded therein.

**Date of decision this 12<sup>th</sup> day of September 2024**  
TOWN OF SMITHS FALLS  
77 BECKWITH STREET NORTH  
SMITHS FALLS ON K7A 2B8

  
\_\_\_\_\_  
**Karl Grenke, Secretary/Treasurer**  
613-283-4124 ext. 1116  
kgrenke@smithsfalls.ca



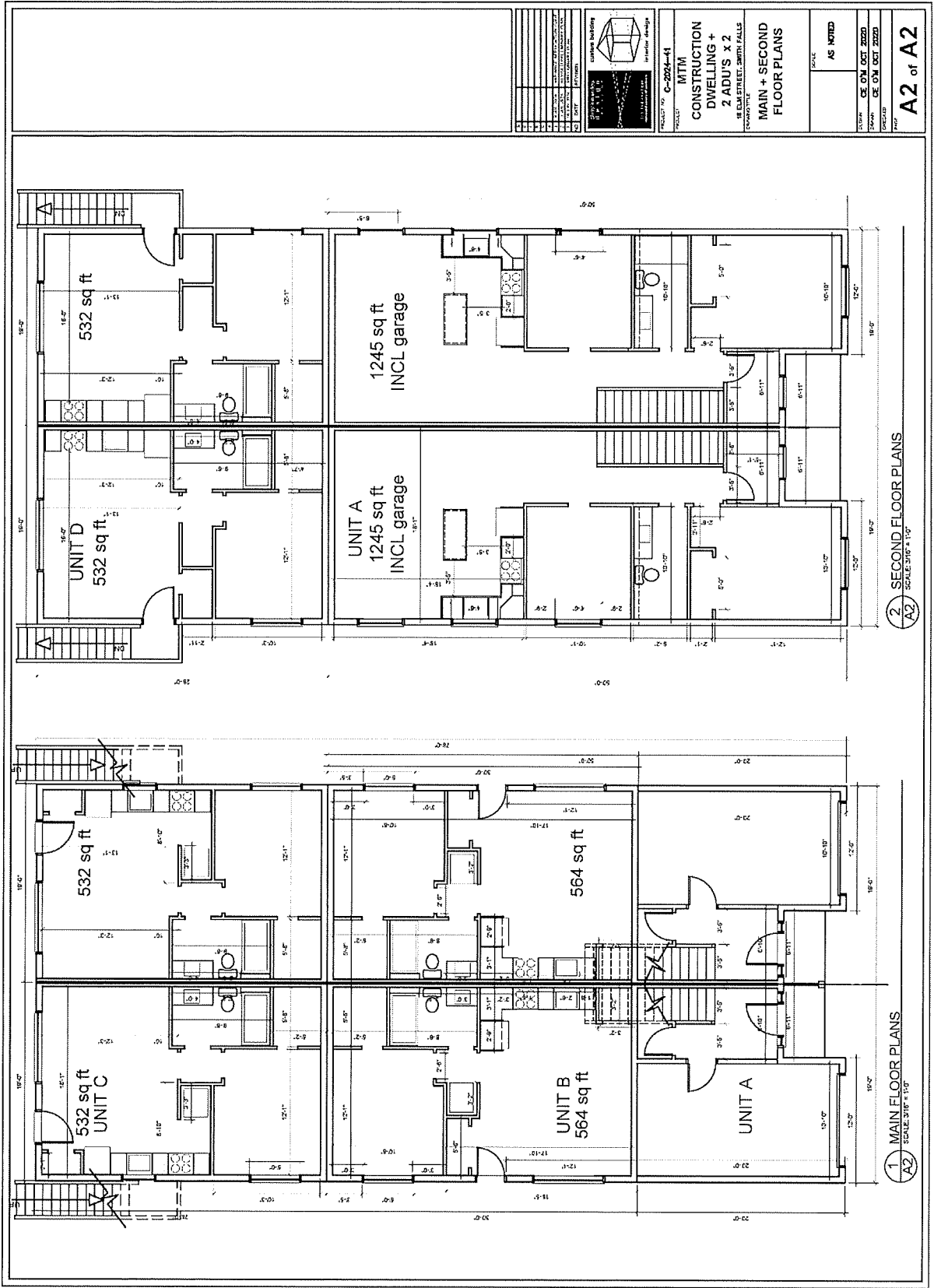
# MV-24-04 – 18 Elm Street East Site Sketch – September 12<sup>th</sup>, 2024



1 PROPOSED SITE LOCATION PLAN  
SCALE: 3/16" = 1'-0"

2 PROPOSED FRONT ELEVATION - ELM STREET  
SCALE: 3/16" = 1'-0"

3 PROPOSED FRONT ELEVATION - OAK STREET  
SCALE: 3/16" = 1'-0"



1 MAIN FLOOR PLANS  
 SCALE: 3/16" = 1'-0"

2 SECOND FLOOR PLANS  
 SCALE: 3/16" = 1'-0"

NO.	DATE	DESCRIPTION
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PROJECT NO. C-2024-41  
 MTM  
 CONSTRUCTION DWELLING + 2 ADU'S X 2  
 18 ELM STREET, SMITHS FALLS  
 CHANDLER  
 MAIN + SECOND FLOOR PLANS  
 SCALE AS NOTED  
 DATE CE 07M OCT 2020  
 DATE CE 07M OCT 2020  
 DRAWN  
 CHECKED  
 PROJECT

