



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

RE AN APPLICATION BY: **DREAMLIFE DESIGN + BUILD INC C/O KARIM EL-SARJI**
OWNER: **4012747 CANADA INC C/O MAHMOUD TABAJA**
FILE NO.: **MV-25-01**
LOCATION OF PROPERTY: **7 WILLIAM STREET EAST**

TAKE NOTICE that the Planning Advisory Committee of the Town of Smiths Falls held a public meeting on March 13th, 2025, 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 Minor Variance application MV-25-01 is to seek relief for several provisions of the Zoning Bylaw to facilitate a proposed mixed-use multi-unit development on the subject property, as described in the table below:

<i>Bylaw Section</i>	<i>Zoning Provision</i>	<i>Required</i>	<i>MV-25-01 Proposed</i>
11.21. Lot and Building Requirements for Permitted Non-Residential Uses	Minimum Building Height	11 m	6.38 m
4.28.10 Minimum Aisle Width	Minimum Aisle Width	6.7 m	3.64 m
11.2.2. Lot and Building Requirements for Permitted Residential Uses	Minimum Landscaped Open Space	15 m ² per unit	Convert landscaped open space to an "indoor" amenity space. Total Area: 4.18 m ²

The proposed mixed-use multi-unit development would have one (1) commercial unit (58.43 m²/ 629 ft²), one (1) residential unit and indoor amenity space (4.18 m²/ 454 ft²) on the ground floor and two (2) residential units on the second floor. Parking spaces will be accessed through a 3.21 m (10 ft) wide right-of-way off William Street East (previously granted through approved consent). Please note that the subject property is also subject to consent application B25-01, which proposes another right-of-way across a portion of the neighbouring property (8 Main Street East) to provide space for a parking aisle. The subject property is zoned Downtown Core and designated Downtown Core in the Town's Official Plan. The Zoning By-law permits mixed-use multi-unit developments in the Downtown Core.

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 April 2nd, 2025.

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 March 13th, 2025.

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

**DECISION OF THE TOWN OF SMITHS FALLS PLANNING ADVISORY COMMITTEE
RESPECTING APPLICATION FILE NO. MV-25-01**

WE, the undersigned, in making the decision upon this application, have considered whether or not the variances requested were 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 13th day of March 2025.

DECISION: To approve a variance to Zoning By-law 10375-2022 to allow the requested reliefs with one modification (noted in item #2 below), subject to the following conditions:

1. *The decision shall apply to permit a 3.64 m (11.94 ft) driving aisle and a building height of 6.8 m as indicated on the attached architectural drawings & front elevation dated August 13th, 2024. The development enabled through this application shall be substantially the same form as shown on these plans, which are attached to this decision.*
2. *The decision shall apply to permit a combined interior amenity space and open usable roof area with a maximum size of 10 m² (109.79 ft²) for the proposed mixed-use development at 7 William Street East.*
3. *The Owner is responsible for ensuring that all structures on the property comply with Hydro One Networks Inc.'s minimum setback requirements for buildings near power lines and that the Owner obtains any easements as may be required to implement this. As needed, this may be implemented through Site Plan Approval.*
4. *The Owner obtains Site Plan Approval from the Town, which will enable a development that is consistent with the Town's Downtown Core Design Guidelines as approved by Council and manages grading and drainage, stormwater management, functional access to parking area to the satisfaction of the Town, and other site and design considerations in a way that minimizes the impacts on municipal services and adjacent properties.*
5. *The Owner shall confirm to the satisfaction of the Town that the new development is constructed as approved through an as-built survey.*
6. *Consent Application B25-01 and B22-03 receives final approval.*
7. *The decision outlined above is valid for two years from the date the decision is issued, at which time a building permit must also be obtained.*

REASONS FOR DECISION:

1. The Committee, having reviewed the evidence presented at the hearing, determined that the requested minimum building height of 6.8 m² and driving aisle width of 3.64 m would result in a minor impact on the local community and represent an opportunity for the creation of a mixed-use multi-unit development within the Downtown Core.
2. The Committee determined that the variance to sec 11.2.1—*Lot and Building Requirements for Permitted Non-Residential Uses* and 4.28.10 *Minimum Aisle Width* enables a reasonable form of development that could be justified within the context of the Official Plan policies regarding mixed-use development in the Downtown.
3. The Committee felt the requested 4.18 m² sized interior amenity space from sec. 11.2.2. *Lot and Building Requirements for Permitted Residential Uses* and that the size of the space needed to be increased to provide a usable amenity area as intended by the Zoning By-law.

EFFECT OF WRITTEN AND ORAL SUBMISSIONS:

The Committee considered the nature of the proposed request, examining the feedback on compatibility, urban design, site constraints, and neighbourhood character, and determined that upon modification, the proposal can be demonstrated to satisfy the four tests of the Planning Act.



Signatures of all members concurring with this decision:

[Signature] [Signature] [Signature]

[Signature] [Signature] [Signature]

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 13th day of March 2025
TOWN OF SMITHS FALLS
77 BECKWITH STREET NORTH
SMITHS FALLS ON K7A 2B8

[Signature]
Karl Grenke, Secretary-Treasurer
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