



REPORT #PAC-24-09

To: Planning Advisory Committee

From: Richard Grant, Planner I

Date: August 28th, 2024

Re: **Application for Minor Variance and Consent Application
(MV-24-04 & B24-02)**

Recommendation B24-02: Planner I recommends that the Planning Advisory Committee approve Consent Application B24-02, which proposes to sever the subject property vertically to create two through lots at 18 Elm Street East, subject to the following conditions:

1. *An acceptable reference plan (survey) of the severed and retained lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary/Treasurer of the Planning Advisory Committee for review and consent endorsement **within a period of two years** after the “Notice of Decision” is given under Section 53 (17) or (24) of the Planning Act.*
2. *The owner shall supply one digital copy and two hard copies of the deposited reference plan for the severed lands.*
3. *The owner shall supply one digital and two hard copies of the deed or transfer document for the severed lands.*
4. *The balance of any outstanding taxes, including penalties and interest, shall be paid to the Town.*

Recommendation MV-24-04: Planner I recommends the **conditional approval** of the application for a minor variance to Section 7 – Table 7.2 (Multiple Dwelling Requirements) of the Town’s Zoning By-law, 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 12th, 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.*
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PURPOSE: The applicant has filled two concurrent applications: a Minor Variance (MV-24-04) and a Consent application (B24-02) to accommodate a proposed redevelopment at 18 Elm Street East. In the following report, both applications will be carefully outlined and presented for discussion; however, an independent verdict will be passed for each application, with the full consideration of all applications discussed herein.

BACKGROUND: In August 2024, the Town of Smiths Falls received two concurrent applications: a Minor Variance application (MV-24-04) and a Consent application (B24-02) from MTM Construction & Property Management Ltd C/o Matt and Tegan Mackey for a proposed development at 18 Elm Street East. Through the Consent application, B24-02, the applicant proposes first to sever the through lot lengthwise, creating two new parcels measuring 150.44 ft (45.85 m) in depth.

Property Information

Address: 18 Elm Street East
Lot Size: 1,028.99 m² (11,076.05 ft²)
Zoning Category: Residential Type 2 Zone (R2)
Official Plan Designation: Residential
Site Visit Date: August 28th, 2024

Secondly, if conditional approval is granted for the Consent application, B24-02, the applicants propose to seek relief from several provisions of Section 7.1.2 (Table 7.2 – Multiple Dwelling Requirements) to accommodate the construction of an eight (8) unit rental residential building on the subject property. Parking and unit access will be provided from both Oak Street and Elm Street East. The existing single-detached dwelling and detached garage have been demolished in preparation for the proposed development.

The subject property is zoned Residential Type 2 (R2) and designated Residential in the Town's Official Plan. The Zoning Bylaw permits multi-unit dwellings of up to 4 units,

subject to certain requirements. The requested relief is contingent upon approval of the associated consent application, B24-02, and reflects the proposed configuration of each new lot.

CONSENT APPLICATION: Application B24-02 proposes to divide an 11,076.05 ft² (1,028.99 m²) lot at 18 Elm Street East to create two new parcels. The retained and severed lots are proposed to be 150.44 ft (45.85 m) long, with a 37.6 ft (11.46 m) lot frontage on Elm Street East. Being a through lot, the west-oriented lot will have a 37.6 ft (11.46 m) lot frontage on Oak Street; however, the easterly lot will have a 39.8 ft (12.13 m) frontage on the same street because that lot is not exactly square.

MINOR VARIANCE APPLICATION: Application MV-24-04 seeks relief from several provisions of Section 7.1.2 (Table 7-2 – Multiple Dwelling requirements) to accommodate the proposed development, each of which would be situated on a new lot proposed to be created through a separate Consent application, as noted above. The proposed minimum frontage relief for eight-unit dwellings (outlined below) is contingent on the potential approval of the associated Consent application.

| <i>R2 Zoning Provision for Multiple Dwellings</i> | <i>Required</i> | <i>Proposed for each lot (MV-24-04)</i> |
|----------------------------------------------------------|----------------------------------------------------------------------------------|------------------------------------------------|
| <i>Minimum Lot Frontage</i> | 18 m | 11.43 m |
| <i>Minimum Interior Side yard</i> | A minimum aggregate interior side yard of 9.0 m, with at least 6.0 m on one side | 0.0 m |
| <i>Minimum Density for Multiple Dwelling</i> | One dwelling unit per 200 sq. m of lot area | One dwelling unit per 134.8 sq. m of lot area |

See Appendix ‘B’ – Site Plan and Elevations and Appendix ‘C’- Property Survey for reference.

The applicant has also provided a Planning Justification report, Site Plan and Elevations and Site Servicing Study report in support of this application, which is referenced in this report and can be provided to the Committee or public as part of the public record.

LAND USE CONTEXT: Located at 18 Elm Street East, the subject property is a through lot measuring 1,028.99 m² (11,076.05 ft²), with a lot frontage of 22.92 m (75.2

ft) on Elm Street East and 23.47 m (77 ft) on Oak Street. With Elm Street East having the shorter of the two frontages, it is considered the front yard for the purposes of Staff's zoning review.

As shown in site visit photos (see Appendix D – Site Visit Photos), Staff observed that the overall grade of the residential lot is flat, rising slightly higher towards Oak Street and sloping gently towards Elm Street East. The homes along Elm Street East are oriented towards the front of the street. Walking along Oak Street, between Jasper Ave and Simpson Street, there is only a municipal road with no sidewalks.

At the time of writing this report, the single-detached residential dwelling with a detached garage had been demolished in preparation for the proposed development (see Appendix 'D' – Site Visit Photos). The former residential dwelling was a single-storey gable pitched roof covered in white vinyl with an attic and enclosed front yard veranda. The detached garage was situated at the rear of the lot, with an entrance accessible on Oak Street. There is a depressed curb along Elm Street East, indicating the location of a former driveway; however, much of the front yard was entirely lawn, with a mix of deciduous and coniferous trees.

Characterized predominantly by low to medium-sized residential dwellings, the subject property and neighbouring properties within a 100-m radius along Elm Street East vary in building typology, ranging from single-detached homes to semi-detached dwellings and multi-unit dwellings (see Appendix "E" for density analysis). Please note that Oak Street, between Jasper Avenue and Simpson Street, the subject property, does not have access to wastewater service connections. Sanitary service connections can be found along Elm Street East. The rear entrance to the subject property is on Oak Street, boarded by Jasper Avenue and Simpson Street. Moreover, Oak Street is a point of egress for some residential units, such as the one on the subject property.

PROPOSED DEVELOPMENT

The proposed development is to sever the existing property into two parcels separated by a vertically dividing lot line across the lot. This will facilitate the creation of an 8-unit residential development with four units per lot. Measured at the mean between the eaves and ridge, the height of the multi-unit dwelling is 22'4" or 6.8 m. The proposed development is oriented towards Elm Street East. The four units (two on either side) fronting Elm Street East will have one designated parking area per unit and space for a front yard. The other four units (2 per lot) will have one designated parking area accessible from Oak Street. Each fourplex will consist of 3 one-bedroom units and one two-bedroom unit.

The unit size descriptions are as follows: Unit A, the two-bedroom unit, which includes the garage, will be 1245 sq ft (115.66 m²). The remaining units are one-bedroom units:

Unit B will be 564 sq ft (52.39 m²). Unit C and D will be 532 sq ft (49.42 m²). Units A and B will be oriented towards Elm Street East, and Units C and D will be stacked together and oriented towards Oak Street.

DIRECTING POLICY

ONTARIO PROVINCIAL POLICY STATEMENT (2020)

The Provincial Policy Statement (PPS), issued under Section 3 of the Planning Act, articulates the Ontario government's grand vision of a prosperous and successful province by providing policy direction on matters of provincial interest related to land use planning and development. Subsection 4 (1) of the PPS states that the PPS applies to all decisions regarding the exercise of authority that affect a planning matter made on or after May 1, 2020.

While the PPS does not explicitly address the mechanics and administration of lot creation, it broadly supports sufficient land to accommodate an appropriate range and mix of land uses to meet projected needs for up to 25 years. Subsection 1.1 (2) of the PPS states, "Within settlement areas, sufficient land shall be made available through intensification [...]."

Subsection 1.1.3 (3) specifies that intensification shall occur in appropriate locations, considering the existing built form and availability of existing or planned infrastructure and services. To that end, appropriate development standards should be employed. The PPS does not prescribe what is intended by "appropriate development standards," as that is generally regulated through Zoning By-laws, which implement local priorities identified in the Official Plan.

TOWN OF SMITHS FALLS OFFICIAL PLAN (2016)

The Official Plan, in Section 4.5 Infrastructure, precisely Infrastructure policy (1-12) permits the Council to request serviceability studies where appropriate. Infrastructure policy (1-14) allows the creation of new lots with sufficient reserve sewage and water system capacity.

The subject property is designated **Residential (Section 6.3)** in the Town's Official Plan, which provides for a wide range and density of residential development in established neighbourhoods, provided that the development is compatible with local characteristics.

The Official Plan has residential land use goals designed to guide residential development in Town. The main objective of **Goal LU-2—Residential Land Use** is to regulate the urban form, architectural quality, and contextual compatibility of new construction and land uses within the Town's varied residential neighbourhoods to promote an environment conducive to a high quality of life for residents and visitors.

Policies LU-2.1 to 2.3 provide more framework and implementation guidance to realize the LU-2 Residential Land Use goals. They require the Town to use various tools and processes, such as site plan control, to implement the Official Plan’s residential land use policies.

LU-2.6 Intensification outlines the intent to preserve the existing character of the built-up areas and restrict intensification to infill development projects which closely conform to the prevailing existing neighbourhood character as defined by density, lot size, shape, massing and neighbourhood form and pattern.

Within the Residential designation, *“existing development typically has densities in the range of 23.8 to 50 units per net hectare; however, some areas could be developed with densities as high as 142.8 units per net hectare.*

Within predominantly low and medium-density residential areas, new infill development should be limited to 43 units per net hectare or the prevailing neighbourhood density, whichever is lower. Infill in these areas shall only be permitted in low to medium-profile buildings (e.g., townhouses and low-rise apartments).

An alternative density may be appropriate if it would result in an infill development that matches 50% or more of the existing development along the same block (both sides of the street) from which the new houses take direct access.”

COMPREHENSIVE ZONING BY-LAW 10375-2022

The broad goals outlined in the Town’s Official Plan are implemented in the regulatory Zoning By-law. The property is zoned **Residential (R2)**, the zoning category that best fits low—to medium-density residential development. The R2 zone generally permits housing forms, including single-detached, semi-detached, duplex, multiple-unit dwellings (up to four units), and some institutional uses.

Specific performance standards, such as front-yard setbacks, minimum lot size, and minimum lot frontage, are outlined for each residential use to ensure that the Town’s Official Plan residential policies are fulfilled.

APPLICATION CIRCULATION:

Due to the fact that both applications were reviewed by the Planning Advisory Committee concurrently, a Notice of Public Meeting for applications MV-24-04 and B24-02 was posted at the site of the subject property on August 28th, 2024, and mailed to residents within a 60 m radius of the proposed development in accordance with the Planning Act.

PUBLIC AND AGENCY FEEDBACK RECEIVED:

The following feedback received from the public and various departments is outlined below:

- The **Chief Building Official** does not object to this application and has no further comments.
- The **Public Works and Utilities Department** does not object to this application; however, it requests that, as a condition of consent approval, each lot be independently serviced with water and sewer services within the limits of each property boundary to ensure that the services do not cross the adjoining property line. In addition, with respect to the minor variance application, as a condition of approval, a Servicing Brief and Grading & Drainage Plan stamped/signed by a P.Eng. (professional engineer) is requested. **Note:** At the time of submission, the serviceability brief was provided by the applicants and reviewed by the Department of Public Works and Utilities.
- In addition, after a review of the provided serviceability study, Public Works & Utilities has accepted the finding outlined in the study, having no concerns with the calculated theoretical sanitary discharge to the Town's sanitary collection system from the proposed densification of this site. The theoretical sanitary discharge of 0.078 L/sec is negligible and can be accommodated in the 250 mm (10") sanitary sewer fronting the property on Elm Street East.
- **PUBLIC FEEDBACK:** Lesley Magee (7 Simpson St) outlined several concerns about the proposed development with respect to sanitary service capacity, potential for increased traffic, appropriate snow removal and garbage pickup/ on-site waste management.

ISSUES AND DISCUSSION:

Due to the nature of the concurrent applications, this section of the report will address them separately. Consent application B24-00 will be reviewed first, followed by a detailed review of the Minor Variance application MV-24-04.

CONSENT APPLICATION B24-02

According to Section 53 of the Planning Act, the approval authority may give consent to sever if the application conforms with all applicable land use policies, is not premature, and is *"satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality."* This intent is further conveyed in **Section 7.1.6** of the Official Plan. Please note that Consent application B24-02 should be evaluated based on a request to sever 18 Elm Street East into two individual through lots. In other words, considerations for the consent application should be made independent of the request for relief made through Minor variance application MV-24-04.

The viability of the proposed lot severance will be assessed below using the following criteria:

- Conformity with the Official Plan and Zoning Bylaw
- Compatibility with neighbouring land uses
- Adequacy of vehicular access, water supply and sewage disposal
- Suitability of the land for the proposed use (including size and shape of the lot being created)

Conformity with the Official Plan and Zoning Bylaw

Staff are of the opinion that, as proposed, the request to sever the subject property to create two through lots meets the Official Plan's intent for residential land use as prescribed by **Section 6.3.1—Residential Land Use policies**. The proposed infill development represents an opportunity to intensify the existing property for that neighbourhood. With four units per lot, the development proposes a form of intensification that supports additional housing units near Brockville Street, a main arterial road in Smiths Falls.

Compatibility with Neighbouring Land Uses

Being only two stories in height, with a pitched roof, zoning-compliant front yard setback sufficient for landscaping, and one parking stall per unit, the residential development proposes to be compatible in scale and size with other residential dwellings along Elm Street East, which consist of various dwelling types such as single-detached, semi-detached, and multi-unit dwellings.

Moreover, proximity to Brockville Street adds another layer of compatibility. It demonstrates that the proposed 8-unit dwelling will benefit future residents with easy access to the arterial road, thus contributing to the Official Plan's ideal of a complete community expressed in Section 6.3. As such, Staff are of the view that the proposed residential development demonstrates a high degree of compatibility in terms of scale and massing with respect to the existing dwellings on Elm Street East.

Adequacy Of Vehicular Access, Water Supply, and Sewage Disposal

With access from Oak Street and Elm Street East and each unit's designated parking stall, Staff assess that the proposed development demonstrates adequate vehicular access for the subject property. Concerning water supply, a tabletop exercise demonstrated that the proposed development has access to water and wastewater services from Elm Street East, the front of the subject property. Only a water service connection is available on Oak Street, between Jasper Ave and Simpson Street. Oak Street is the rear entrance for four units (two per lot) of the eight units. The other four units are fronting along Elm Street East.

The Department of Public Works and Utilities, having reviewed the provided serviceability report, does not object to the proposed severance. As per the typical process, the

Department requested a serviceability study, reflected in their comments in Appendix 'F'- Department and Public Comments and Feedback.

Suitability of the Land for the Proposed Use

Staff are of the view that the subject property demonstrates a high degree of suitability for the proposed use because it is considered to comply with the Town's Official Plan for neighbourhood compatibility and is considered appropriate in scale and massing. It does not exceed that neighbourhood's height, scale or size, only having a minimal impact on the area's established character.

Secondly, concerning the Zoning Bylaw, the proposed severance will not create an undersized lot, as each lot is proposed to have an area of 530.85 m² (5714.02 ft²); however, there will be a frontage deficit lot for each lot created: 37.6ft or 11.46 m on Elm Street East and 39.8 ft or 12.13 m on Oak, whereas the Zoning bylaw requires 18 m (59.05 ft) for multi-unit lots. Additional relief requested through Minor Variance application MV-24-04 will be addressed separately.

Please note that the approval of Consent application B24-02 is not bound to the approval of the proposed development concept. While the development concept provides the context for the proposed severance, the approval of the consent application only permits the severance of the residential lot into two through lots.

MINOR VARIANCE APPLICATION MV-24-02

Four tests are prescribed by Section 45 of the *Planning Act* to meet for minor variance consideration. The Committee is advised to consider the provisions of **Section 7.1.10** (Committee of Adjustment), which pertain to the evaluation of minor variance applications. This section requires the Committee to be satisfied that the approval of the variance will not result in the site being overbuilt, limiting the ability for snow storage and landscaping or impeding operations. In the Comprehensive Zoning Bylaw, more specific regulatory issues are addressed.

Staff comments regarding these tests are outlined below.

1. Does the Application Conform to the General Intent of the Official Plan?

Minor Variance application MV-24-02 seeks to facilitate the development of eight residential units on what is currently a single vacant residential lot, proposed to be divided through Consent Application B24-02. Section 6.3 Residential of the Town's Official Plan encourages residential development varying in building typology and varying residential densities for the purposes of creating a complete community as envisioned in the Official Plan where there is a variety of housing options to meet the needs of residents in Smiths Falls.

As proposed by this application, the property's residential use does not change despite the request to vary sections of Table 7.2 – Multiple Dwelling Requirements. Instead, it is

enhanced through these specific relief requests, as it facilitates the creation of the proposed development, fulfilling the intent of Policy LU-2.6 (Intensification). Due to factors proposed by the development, such as the two-storey height, with a pitched roof and adequate front yard, the proposed development is considered largely compatible with the character of the existing neighbourhood, offering an opportunity to better enrich the current lot by intensifying the lot.

The proposal is broadly consistent with the intent of the Official Plan's Residential designation; however, there is some incongruence with Residential Land Use policy LU-2.6. The proposed development's residential density is 75.35 units per net hectare, which sits within the Official Plan's high-density threshold of 50 to 142.8 units per hectare as outlined in **Residential Density policy LU-2.9**. The proposed eight-unit dwelling will increase the neighbourhood's residential density as outlined by the following density calculation in Appendix 'E'— Residential Density Map. Please note that the residential density calculation did not consider Oak Street as it is not the front yard of the proposed development, and Oak Street informally functions as the rear end of several homes in that area.

The Official Plan states in **Intensification policy LU-2.6** that infill development should be limited to 43 units per hectare or the prevailing neighbourhood density, whichever is lower, for residential development planned within predominantly low—to medium-density neighbourhoods. Using the assessment boundaries outlined in LU-2.6, the residential density for homes on the street side of the proposed development is an average of 38.96 units per net hectare, with only one duplex of comparable density to the proposed one with a density of 72.40 units per net hectare. On the opposite street side of the proposed development, the residential density is 34.43 units per net hectare, with only residential dwellings between the low to medium density targets of 23.8 to 50 units per net hectare as outlined in policy LU-2.9 (see Appendix E – Residential Density Map for further information).

The proposed development exceeds the Official Plan's residential density threshold for low to medium-residential neighbourhoods; however, it fits within the high-density targets while maintaining a scale and massing that Staff consider compatible with the existing neighbourhood. The proposed development has a massing of a two-storey residence with a pitched roof and sufficient space for a zoning-compliant front yard and one parking stall per unit. There will be three one-unit bedrooms and one two-bedroom unit per lot (total of four). As discussed above, units A and B facing Elm Street East will be 1245 sq ft (115.66 m²), including the garage, and 564 sq ft (52.39 m²), respectively. With Unit C on the first floor and D on the second, these two units are stacked, fronting on Oak Street, and 532 sq ft (49.42 m²) in size. Through a gross floor assessment of the proposed development, Staff are of the opinion that, as proposed, the multi-unit dwelling is not an overdevelopment of the residential lot.

Moreover, Staff are of the opinion that it adheres as best as possible to the Town's intent to preserve the character of existing neighbourhoods and closely conforms in terms of lot size and massing expressed in Intensification policy LU-2.6, despite its relatively high residential density. Few examples along Elm Street exceed the proposed development's scale and massing.

Also, despite the proposed development sitting outside the established residential density threshold for that neighbourhood, this application proposes a form of development that creates additional residential units on what is presently a relatively large lot. This form of residential intensification presents a better use for the existing lot as it provides more housing opportunities. Through a gross floor assessment of the proposed development, the unit area of each bedroom is considered small in the opinion of Staff, further supporting the position that despite high residential density, the massing and scale are compatible with the existing neighbourhood and a desirable form of development. However, Staff recommend a maximum of 5 bedrooms per lot to preserve the existing character of the neighbourhood.

In Staff's opinion, the proposed development suggests a form of intensification that increases the number of units on site and offers a wider range of housing typology in the established neighbourhood in place of the former residential single-detached home. Moreover, the proposed development presents what Staff would consider an appropriate scale of development that enhances the neighbourhood. As such, the proposed development is considered to meet the general intent of the Official Plan.

Concerning **Section 4.5 – Infrastructure**, the Department of Public Works and Utilities has no concerns with respect to the site servicing capacity for water and wastewater for the proposed development. As such, the proposed request to sever complies with Infrastructure policy IN 1-14. Moreover, per the typical process for any infill residential development, for Consent application B24-02, the requested site servicing brief was deemed acceptable by the Department of Public Works and Utilities, complying with policy IN 1-12. Therefore, the proposed development does not pose any additional impacts to the existing infrastructure. As such, Staff are of the opinion that it can be accommodated.

The regulatory Comprehensive Zoning Bylaw further addresses more specific performance standards issues.

2. Does the application conform to the general intent of the Zoning By-law?

For the requested reliefs to meet the intent of the Comprehensive Zoning Bylaw, the rationale behind the zoning provisions must be considered, and the outcome should be consistent with this intent. The Zoning Bylaw requires 18 m lot frontage for multiple dwellings. For context, please note that for single-detached dwellings, the Zoning Bylaw requires a lot frontage of 15 m. That is to say, the lot frontage requirements for each type

of housing change, and each requirement is appropriate for the respective form of housing. The minimum lot frontage provision is designed to ensure conformity [compatibility?] across different housing types and that lots are accessible from the public road. With a 37% reduction of the required lot frontage of 18 m to 11.43 m, the proposed development still maintains adequate vehicular access and sufficient egress from Elm Street East and Oak Street, given the semi-detached nature of the development. Staff are of the opinion that the requested relief of a reduced lot frontage still maintains the intent of the Zoning Bylaw by still allowing adequate movement of vehicles and pedestrians on the lot.

The intent behind interior side yard setbacks is to ensure adequate spacing between buildings for the provision of light and air, building separation for fire safety, and appropriate access between the front and rear yards of the property. If severed as proposed, there would be a 0 m interior yard setback, with 5.6 m on either side to allow for a designated parking stall and pedestrian access to the interior side yard of the lot.

To realize the plans as proposed, the 8-unit dwelling will be divided vertically through the aforementioned Consent application B24-02, with the separating wall on the newly created lot line. Staff are of the opinion that the request here is rather technical in nature as it formalizes a zoning compliance issue that, if approved, functionally does not create any foreseen impacts to the performance standards as prescribed by Table 7.2 – Multiple Dwelling Requirements.

The intent behind the maximum density provision for multiple dwellings in the R2 zone was to reduce the constraints posed by increased densities on competing and often conflicting uses within urban environments such as space and water and wastewater service capacity. The request to have a density of 134.8 sq m, a 32.6% reduction in sq m per dwelling unit, would enable an additional unit per lot under the Residential Type 2 zoning requirements. In Staff's opinion, the request to increase the number of units does not negatively exacerbate any additional concerns with respect to available servicing capacity, existing traffic patterns and garbage pickup. Moreover, it should be noted that in the opinion of Staff, the unit area of the bedrooms is considered small, which helps mitigate potential impacts arising from a request to increase the number of units per lot. As proposed, the request for an increase in density for each lot results in additional units placed on that lot. Staff are of the opinion that the proposed development meets the Official Plan's intent in Section 6.3 Residential designation for more homes in residential areas.

Similar to the Consent application, B24-02, the Department of Public Works and Utilities does not object to the application as proposed. They request that, as a condition of approval, the applicants incorporate Low-Impact Development techniques and methodologies to reduce the potential stormwater runoff. As per the typical process for

any multi-unit development, a Stormwater Management Brief and Grading & Drainage Plan are required, and these would typically be implemented in a binding agreement to ensure the development is constructed and maintained as proposed.

As such, Staff are of the view that regarding all requested reliefs, the purpose and rationale of the zoning provisions have been protected and, therefore, meet the general intent of the Comprehensive Zoning Bylaw.

3. Is the Application Desirable for the Appropriate Development of the Lands in Question?

In determining whether these applications are desirable for the appropriate use and development of the land, planning Staff consider the location and configuration of the subject property, its contextual compatibility within the existing neighbourhood, and, generally, whether this proposal conforms to the principles of good land use planning.

As presented by this application, the proposal represents an individual opportunity to create more housing in an established and relatively centrally located neighbourhood, further enhancing the residential use of that subject property. In addition, as it concerns garbage pickup and/or waste management, municipal staff will provide curbside pickup. The proposed development is not considered to cause additional traffic congestion on Elm Street. Moreover, as it concerns snow removal, it will be addressed privately between the landowners at the development stage and, at present, does not pose any foreseen challenges to site configuration and access. Moreover, the determination of appropriateness was assessed on the merits of the proposed 8-unit residential dwelling's scale and massing, and the residential nature of the application. The reliefs requested through this application propose a form of development that Staff consider desirable and appropriate for the subject property.

4. Is the application minor in nature and impact?

In evaluating whether an application is "minor," the Committee is advised that this is more than just a mathematical exercise but rather an appreciation of the wider context of which these applications are intended to affect and the assessment of impact.

In the R2 zone, the minimum lot frontage for multiple dwellings is 18 m. MV-24-04 proposes a reduced frontage of 11.43m for both lots. The proposed reduction in lot frontage does not impede the functionality of the residential lot and still allows adequate access to the public road.

MV-24-04 propose an interior side yard of 0.0 m. For multiple dwellings in the R2 zone, the required minimum interior side yard is at least 6 m on one side with a minimum aggregate side yard of 9 m. The reduction in the required minimum interior side yard does not pose significant risks concerning the building separation distance and reduction in

urban amenities such as sunlight and shadow, as the front yard setback of 6 m reduces the visual presence posed by the 8-unit dwelling that would have an increased massing along Elm Street East. Moreover, the 5.6 m (18.37 ft) interior side yard on either side provides a generous side yard in the Staff's assessment that allows for access to residents and backs the proposed development, reducing potential visual impacts from the street on both sides. As such, Staff are of the opinion that the reduction in lot frontage and interior side yard is minor in nature and impact and does not pose any operational issues for residential use.

The minimum density for multiple dwellings in the R2 zone is 200 m² per unit. MV-24-04 proposes a density of 1 dwelling unit per 134.8 sq.m of lot area per lot (four units per lot) on the subject property. Regarding the density provisions for infill projects, the Town's Official Plan, in policy LU-2.6 recommends that infill development should be limited to a density of 43 units per hectare or the prevailing density, whichever is lower, to conform to the existing developments that have densities that range between 23.8 to 50 units per net hectare. Despite not conforming to policy LU-2.6, the massing and scale of the proposed development are compatible with the existing neighbourhood, being 2 stories in height, with adequate front yard setbacks and one parking stall per unit. In other words, the residential function of the proposed development has not changed, and the form of the proposed development is such that Staff consider the request to increase the residential density to 134.8 sq m to be minor in nature. Concerns about the proposed development's site servicing capacity have been found to be negligible. A review by the Department of Public Works and Utilities has also confirmed that the site's sanitary discharge will have a minor impact on the town's sanitary collection system. However, to alleviate any unforeseen concerns regarding sanitary service capacity, Staff have recommended that the proposed development be limited to five bedrooms per lot, resulting in 10 overall.

As presented above, Staff are of the opinion that the request for an increase in residential density does not overdevelop the site when considering the cumulative impact of the proposed massing of the 8-unit dwelling, reduced lot frontage, and interior side yards within the neighbourhood. As such, the increase in minimum density for multiple dwellings is minor in nature and impact, as it does not present compatibility concerns within the neighbourhood and is recommended as proposed.

SUMMARY & RECOMMENDATIONS:

Based on a review of applicable policies and consideration of the site's intricacies, planning Staff have concluded that the development should be approved with the recommendation to limit the number of bedrooms to a maximum of five bedrooms per lot.

It should be noted that while this development was assessed as a whole, the consent and minor variance applications about the development of this project were examined separately.

It is Staff's recommendation that the Planning Advisory Committee make a decision on Consent application B24-02 first, followed by a separate decision made on Minor Variance Application MV-24-04. The viability of Minor Variance application MV-24-04 depends on approval of Consent application B24-02.

Staff are of the opinion that Consent application B24-02 should be approved as proposed, subject to the conditions outlined at the top of the report. Also, it is in Staff's view that for Minor Variance application MV-24-02, the proposal can be demonstrated to meet the four tests set out by the Planning Act.

Following the Planning Advisory Committee's review of each application, including written and oral comments. The Planning Advisory Committee will be asked to make a decision on each application separately.

Options for Planning Advisory Committee's consideration for each application will include:

1. Approve application as submitted;
2. Approve application with modifications; and,
3. Refuse application

Respectfully Submitted

Richard Grant, Planner I

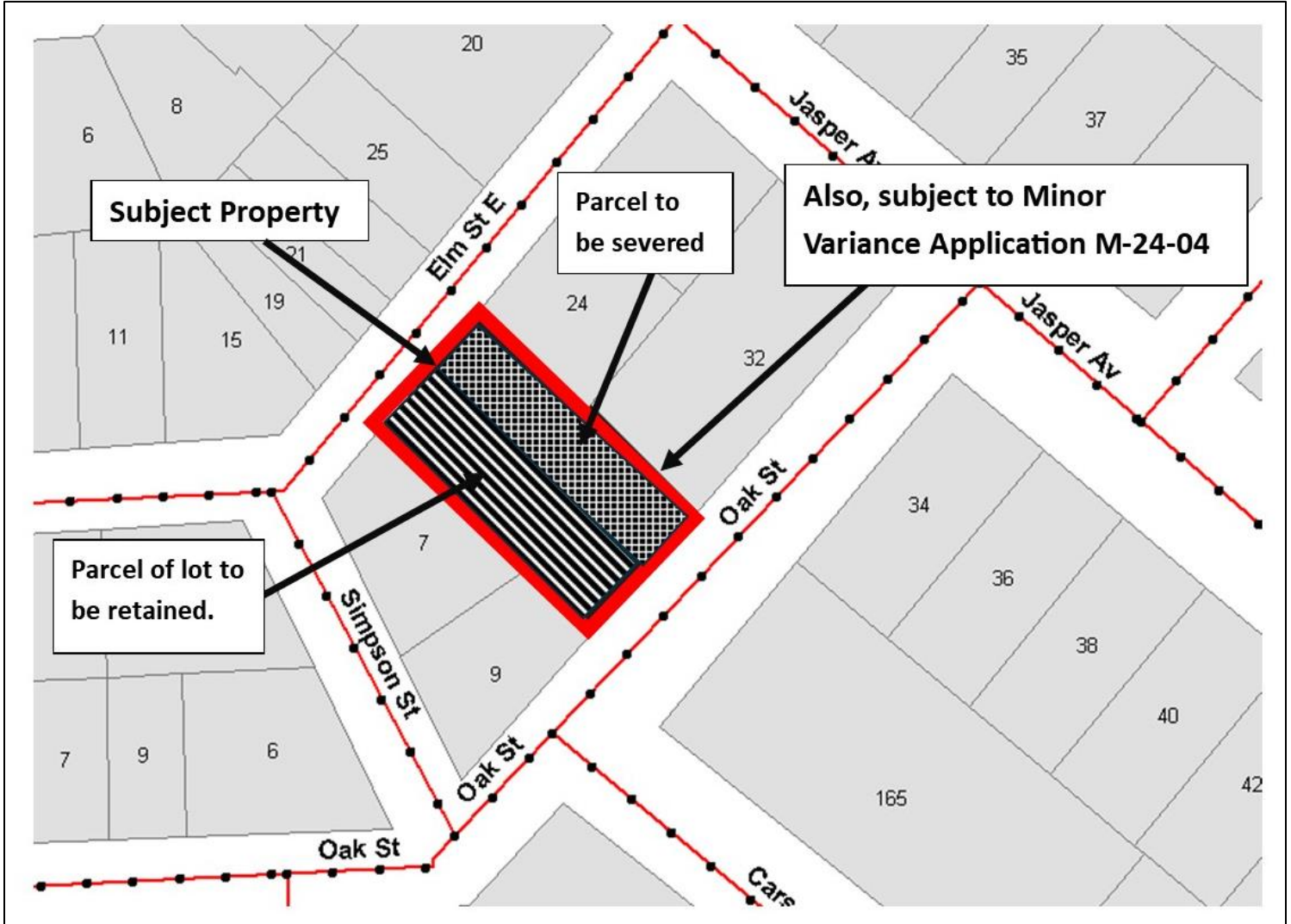
Reviewed and Approved for Submission

Karl Grenke, RPP Manager of Development Services

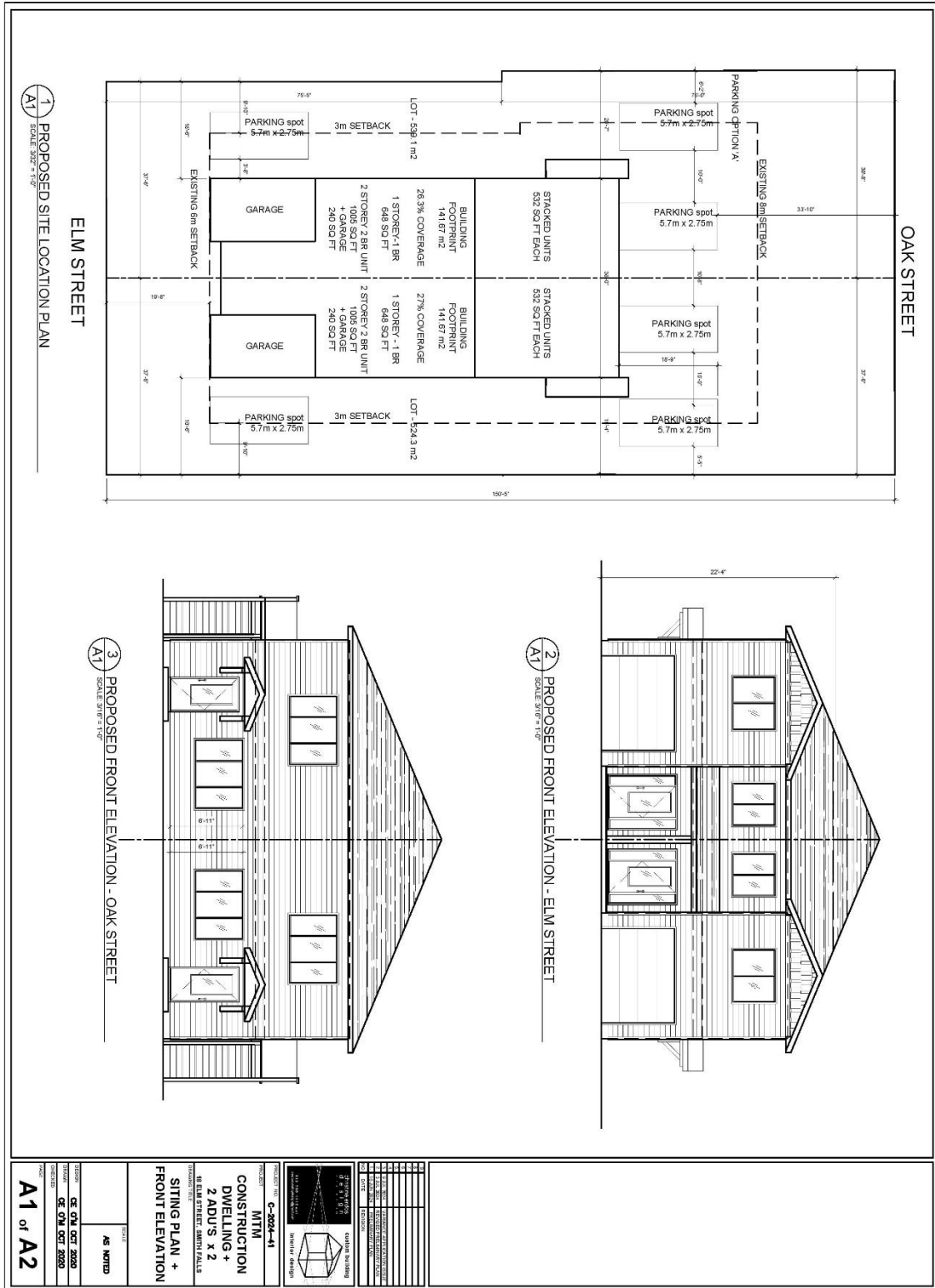
APPENDIX

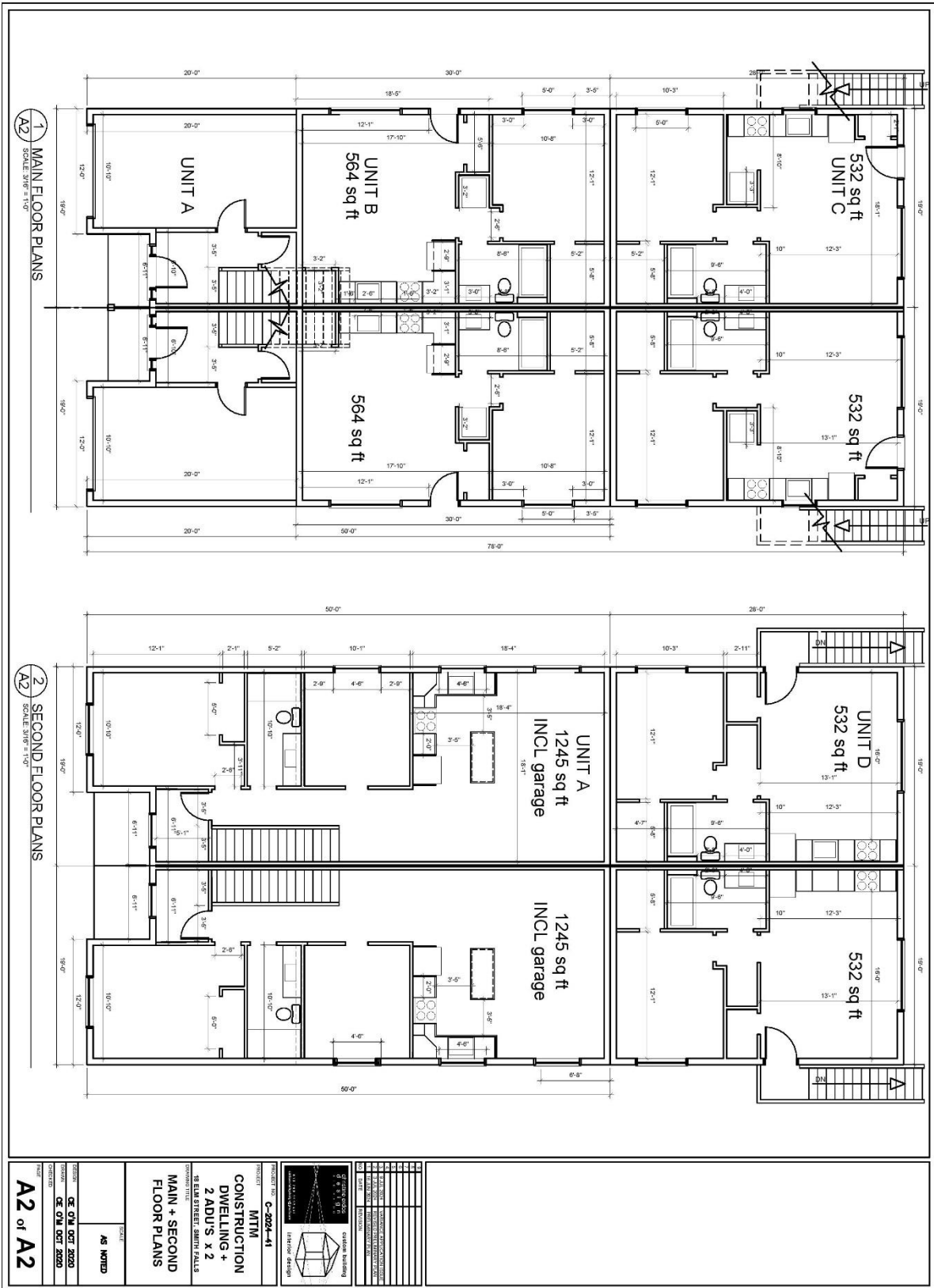
- **Appendix 'A' – Consent Application Key Map**
- **Appendix 'B' – Site Plan and Front Elevations**
- **Appendix 'C' – Property Survey**
- **Appendix 'D'- Site Visit Photos**
- **Appendix 'E' – Residential Density Map**
- **Appendix 'F' – Department & Public Comments and Feedback**

APPENDIX 'A'- CONSENT APPLICATION KEYMAP

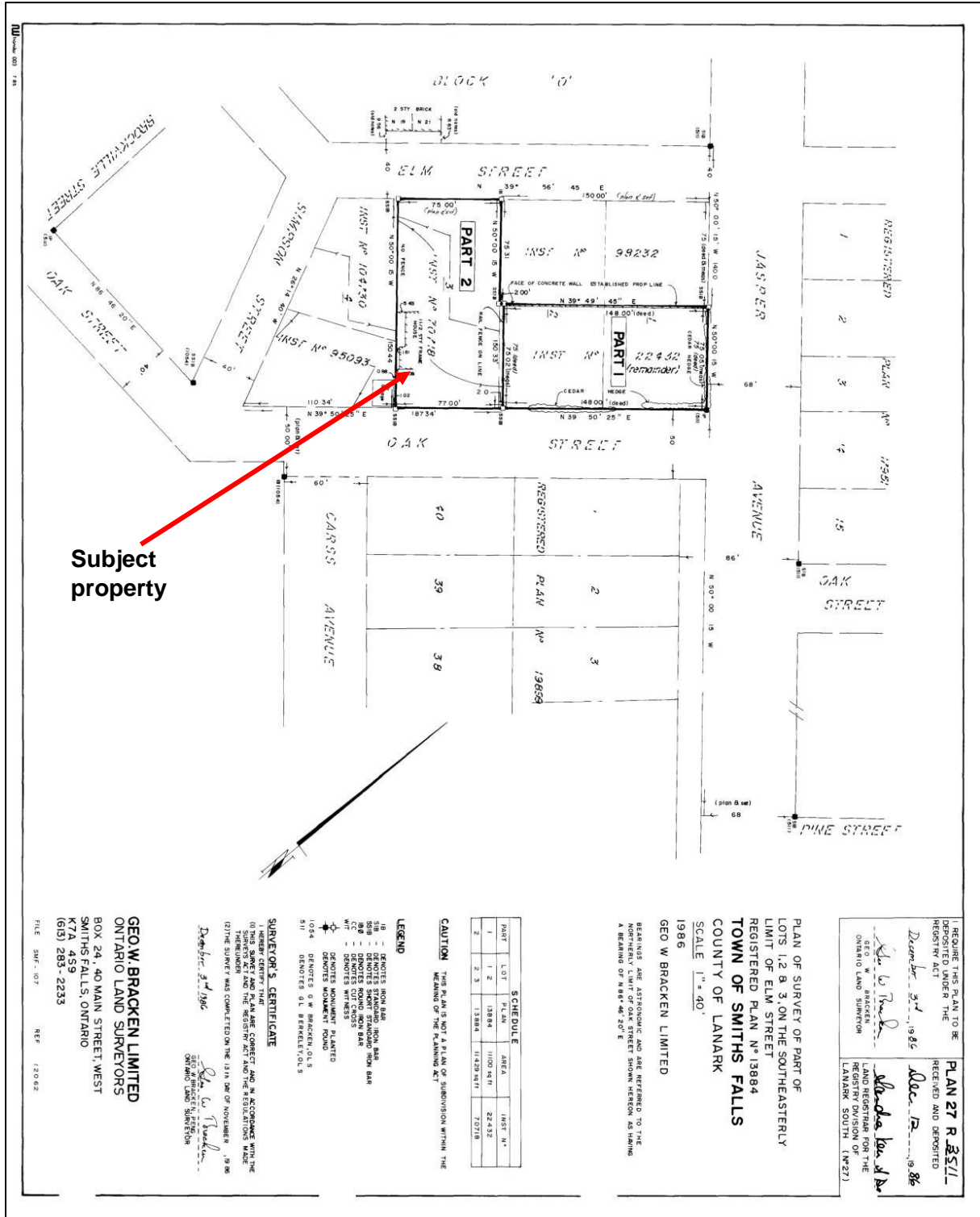


APPENDIX 'B' - SITE PLAN AND FRONT ELEVATIONS





APPENDIX 'C'- PROPERTY SURVEY (1986)



APPENDIX 'D'- SITE VISIT PHOTOS



Site Visit: August 28, 2024



Subject property at 18 Elm St. East. (Google Maps, 2024; Image Capture June 2014)



Oak Street View of Subject Property, Courtesy of Google Images (2024), Image Capture, June 2014



Oak Street View #2 of Subject Property, Courtesy of Google Images (2024), Image Capture, June 2014

Appendix 'E' – RESIDENTIAL DENSITY MAP

18 Elm St. E - Proposed development *

| | Address | Dwelling Unit Type | # of Units | Area (m2) | Density Units per ha | Avg Density |
|---------------------------------------|----------------------|------------------------|------------|----------------|-------------------------|--------------------|
| Right Street side of Elm St E. | 103 Brockville St. | Duplex | 2 | 481.46 | 41.54031488 | 38.96340942 |
| | 6 Elm St. E | Single-detached | 1 | 1056.74 | 9.463065655 | |
| | 8 Elm St. E | Duplex | 2 | 276.22 | 72.40605315 | |
| | 10 Elm St. E | Single-detached | 1 | 276.22 | 36.20302657 | |
| | 7 Simpson St. | Single-detached | 1 | 524.55 | 19.06395958 | |
| | 18 Elm St. E* | 8-unit dwelling | 8 | 1061.78 | 75.34517508 | |
| | 24 Elm St. E | Single-detached | 1 | 520.58 | 19.20934342 | |
| | 30 1/2 Jasper Ave. | Semi-detached | 2 | 519.8 | 38.47633705 | |
| Left Street side of Elm St E. | 101 Brockville St. | Duplex | 2 | 821.18 | 24.35519618 | 34.43279159 |
| | 5 Elm St. E | Single-detached | 1 | 612.85 | 16.31720649 | |
| | 11-13 Elm St. E | Semi-detached | 2 | 440.22 | 45.43182954 | |
| | 15 Elm St. E | Semi-detached | 2 | 494.52 | 40.44325811 | |
| | 19 Elm St. E | 1/2 of Semi-detached | 1 | 238.3 | 41.96391104 | |
| | 21 Elm St. E | 1/2 of Semi-detached | 1 | 240.63 | 41.55757802 | |
| | 23 Elm St. E | Single-detached | 1 | 305.68 | 32.71394923 | |
| | 25 Elm St. E | Single-detached | 1 | 414.04 | 24.15225582 | |
| | 20 Jasper Ave. | Fourplex | 4 | 931.1 | 42.95993986 | |



Appendix 'F' – Department & Public Comments and Feedback

Re: Proposed Development at 18 Elm St East

Lesley Magee <lesley.magee1234@gmail.com>

Sat 9/7/2024 9:21 PM

To: Karl Grenke <kgrenke@smithsfalls.ca>; Richard Grant <rgrant@smithsfalls.ca>; Shawn J. Pankow <spankow@smithsfalls.ca>; Dawn Quinn <dquinn@smithsfalls.ca>; Chris McGuire <cmcguire@smithsfalls.ca>; Peter McKenna <pmckenna@smithsfalls.ca>; Jay Brennan <jbrennan@smithsfalls.ca>; Stephen Robinson <srobinson@smithsfalls.ca>; Jennifer Miller <jmiller@smithsfalls.ca>
Cc: Bob Magee <backyardbob@live.ca>

Good evening,

I am writing to voice our concerns and objections to the proposed development on the property described in the subject line. I have reviewed the details of the proposed "minor" variances (File No. MV-24-04) and request for lot severance (File No. B24-02) which were received earlier this week.

We reside at 7 Simpson St, and it is without question that the proposed development will have a negative impact on our home and the use of our property. Given the shape of our lot, and the position of our home on the lot, the proposed variances which would allow MTM Construction & Property Management LTD to reduce the minimum side yard requirements within the Zoning Bylaws, would place the building and parking spaces unreasonably close to our home and windows.

We feel that the loss of privacy within our own backyard and quite frankly within our own home will not only have a negative impact on our lives, but will also have a significant impact on the resale value of our property. So in allowing these variances, which we would argue are not minor, the town would be allowing MTM to maximize their corporations profits at the expense of our property value and potential for resale.

Please advise what the town considers to be a minor variance?

Upon review of the applicable bylaws, our understanding is that the intention of the minimum frontage and side yard provisions is to ensure a reasonable and respectful distance from adjacent lots and streets/sidewalks. We also understand it to ensure that surrounding dwellings are not exposed to unnecessary emissions which could impact air quality, while also minimizing impacts of noise from neighboring dwellings. So we would argue that the requested variance is not minor, and completely negates the intent of the Bylaws. And again, this is a request which is driven by a desire to maximize profit for a corporation at the expense of the long-time landowners (and taxpayers) and families surrounding their apartment complex.

We have concerns about the capacity of the sewer system in our neighbourhood as well, given their age and condition and intended capacity. We have concerns about the increase in traffic and congestion from street parking on our narrow streets, with a blind corner at Simpson and Elm. We have concerns regarding snow removal in the proposed parking spaces which would very likely result in additional snow being pushed onto our property.

Finally, what is the plan for garbage pickup? Will all eight units place their trash at the curb weekly? or will there be a dumpster? If there will be a dumpster, where will this be placed? The requested variances don't appear to leave space for a location to store trash where it would not impact the neighboring properties as well. Eight units would produce far more garbage and recycling on a

weekly basis than the single family dwelling that existed before. How will this be managed by the town or the corporation that will be profiting from this commercial apartment building?

For the reasons provided, we must insist that the requested development and associated variances be denied by the planning committee.

We expect to receive responses to our questions in writing and will make ourselves available for a telephone discussion with the appropriate parties.

Lesley & Bob Magee
7 Simpson Street
Smiths Falls, Ontario
K7A 3Z7
613-285-9147

From: [Andrew Willows](#)
To: [Marie Elmsley](#)
Subject: RE: 18 Elm
Date: August 19, 2024 2:44:33 PM

No Comments or concerns from Building

Thank you,

Andrew Willows CBCO
Chief Building Official, Building Services
Town of Smiths Falls
77 Beckwith St N, Box 695, Smiths Falls, ON K7A 2B8
(613)283-4124 Ext 1128
awillows@smithsfalls.ca
<http://www.smithsfalls.ca/>

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From: Marie Elmsley <melmsley@smithsfalls.ca>
Sent: Monday, August 19, 2024 2:41 PM
To: Paul McMunn <pmcmunn@smithsfalls.ca>; Andrew Willows <awillows@smithsfalls.ca>
Cc: Richard Grant <rgrant@smithsfalls.ca>
Subject: 18 Elm

Hello, please review and advise by August 26th.

Thanks,
Marie

Project Description: Applicants Tegan and Matt Mackey (MTM Construction and Property Management Ltd) have proposed building an 8-unit semi-detached dwelling (with four units on either side) at 18 Elm. There is currently a single detached dwelling and shed on site that will be demolished. For this development, there will be two applications: consent and a minor variance application. The Consent application is to subdivide the lot in half (long ways). The Minor variance application requests additional relief for the lot frontage and interior side yard and to exceed the maximum density provisions outlined in Section 7 - Table 7.2: lot and building requirements for residential developments in the Residential Type 2 zone.

RE: 18 Elm - Revised PW comments

Paul McMunn <pmcmunn@smithsfalls.ca>

Mon 9/9/2024 1:23 PM

To: Richard Grant <rgrant@smithsfalls.ca>

Cc: Karl Grenke <kgrenke@smithsfalls.ca>

Richard,

Public Works & Utilities has no concerns with the calculated theoretical sanitary discharge to the Town's sanitary collection system from the proposed densification of this site. The theoretical sanitary discharge of 0.078 L/sec is negligible and can be accommodated in the 250 mm (10") sanitary sewer fronting the property on Elm Street.

Paul McMunn C.E.T.
Director of Public Works & Utilities
Town of Smiths Falls
77 Beckwith Street North
PO Box 695
Smiths Falls, Ontario K7A 2B8
Phone: (613) 283-4124 Ext. 1152
Fax: (613) 283-4764
pmcmunn@smithsfalls.ca
www.smithsfalls.ca



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RISE AT THE FALLS

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From: [Paul McMunn](#)
To: [Richard Grant](#); [Marie Elmsley](#)
Cc: [Karl Grenke](#); [Emilie Richardson](#)
Subject: RE: 18 Elm
Date: August 20, 2024 4:14:39 PM
Attachments: [image001.png](#)

Richard and Marie,

For the Consent application, a condition imposed by Public Works is that each lot be serviced independently with water and sewer services, and that those services be within the limits of each property boundary, meaning that at the front the services don't cross the adjoining property line.

For the minor variance, a condition imposed will be that a Servicing Brief and Grading and Drainage Plan be completed, signed/stamped by a P.Eng for review.

Paul McMunn C.E.T.
Director of Public Works & Utilities
Town of Smiths Falls
77 Beckwith Street North
PO Box 695
Smiths Falls, Ontario K7A 2B8
Phone: (613) 283-4124 Ext. 1152
Fax: (613) 283-4764
pmcmunn@smithsfalls.ca
www.smithsfalls.ca



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