



SMITHS FALLS

RISE AT THE FALLS

Report # 2023-117

To: Mayor and Council
 From: Richard Grant, Planner I
 Date: September 28th, 2023
 Committee of the Whole Date: October, 2nd, 2023
 Title: 33-35 Russell Street West Development Agreement
 (Farhad Khan & Rezaul Hoque)

- For Direction
- For Information
- For Adoption
- Attachments- 2 pages

Recommendation: THAT Council pass a bylaw to authorize the Mayor and Clerk to execute a development agreement with Farhad Khan and Rezaul Hoque to implement the servicing conditions associated with the provisional approval of Consent Application B22-03.

Purpose: To seek approval from Council to enter into a development agreement with the owner of 33-35 Russell Street West to administer and secure development conditions to allow the completion of the severance of the subject property.

Background: The Planning Advisory Committee on the 20th of January 2023 provisionally approved Consent Application No. B22-03, formalizing the division of the property municipally described as 33-35 Russell Street West. On the subject property exists a semi-detached dwelling. The subject property has shared sewer services, but separate water services. The proposed division would enable two lots each roughly 334.451 m² (3600 ft²) in size facing Russell Street West. Each unit has its own property index number and municipal assessment roll number; however, were merged by operation of law in 1994 when they went under ownership of the same owner. The applicant seeks to separate the two units by undoing the property merger with this consent application. No new development or change of use is proposed through this application. **(See Appendix “A” for Key Map).**

As per Section 53 of the *Planning Act*, the approval authority is entitled to impose conditions of consent approval to ensure the orderly development of the land and implement any applicable municipal interest. Routine conditions of severance approval include registering a property survey and ensuring taxes are up to date. Condition #5 of the subject property’s approval is to ensure that servicing is completed to the satisfaction of the Department of Public Works and Utilities **(See Appendix “B” for Decision of Planning Advisory Committee).**

The fulfillment of the draft conditions of severance approval are intended to formalize the division of the lot such that each half of the semi-detached dwelling would exist on its own lot, with the new lot line being the dividing line between the units. The proponent has accepted the conditions of draft approval, however requested that a development agreement be devised to satisfy the requirements of Condition #5, which is intended to ensure that independent servicing connections are established and retained for the severed

and retained lands. The draft development agreement would apply only to the “severed lands,” 35 Russell Street West.

In consultation with the Department of Public Works and Utilities, the Agreement requires the Owner to:

- Disconnect the sanitary “Y” connection to the subject lands (35 Russell Street) and install a new sanitary lateral connection from the severed land to the new sanitary lateral connection at the front property line, in accordance with municipal standards.
- Assume all costs associated with the excavation and removal of bedrock required to establish the servicing connection at the required horizontal connection on the severed lands.

Prior to the preparation of this report, the proponent has reviewed a draft agreement and agrees to the terms specified in the draft agreement.

Analysis and Options: Staff are bringing forward a recommendation to authorize the execution of this agreement to allow for the completion of the severance and secure separate and permanent servicing connections to each resultant lot.

Budget/Financial Implications: Application fee for development agreement (\$1,500).

Link to Strategic Plan: N/A

Existing Policy: N/A

Consultations: Proponent (F. Khan & R. Hoque); Public Works and Utilities Department

Attachments

Appendix A – Key Map

Appendix B – Decision of Planning Advisory Committee

Notes/Action (space for Council Member’s notes):

Respectfully submitted:

Original signed by

Richard Grant
Planner I

Reviewed by:

Original signed by

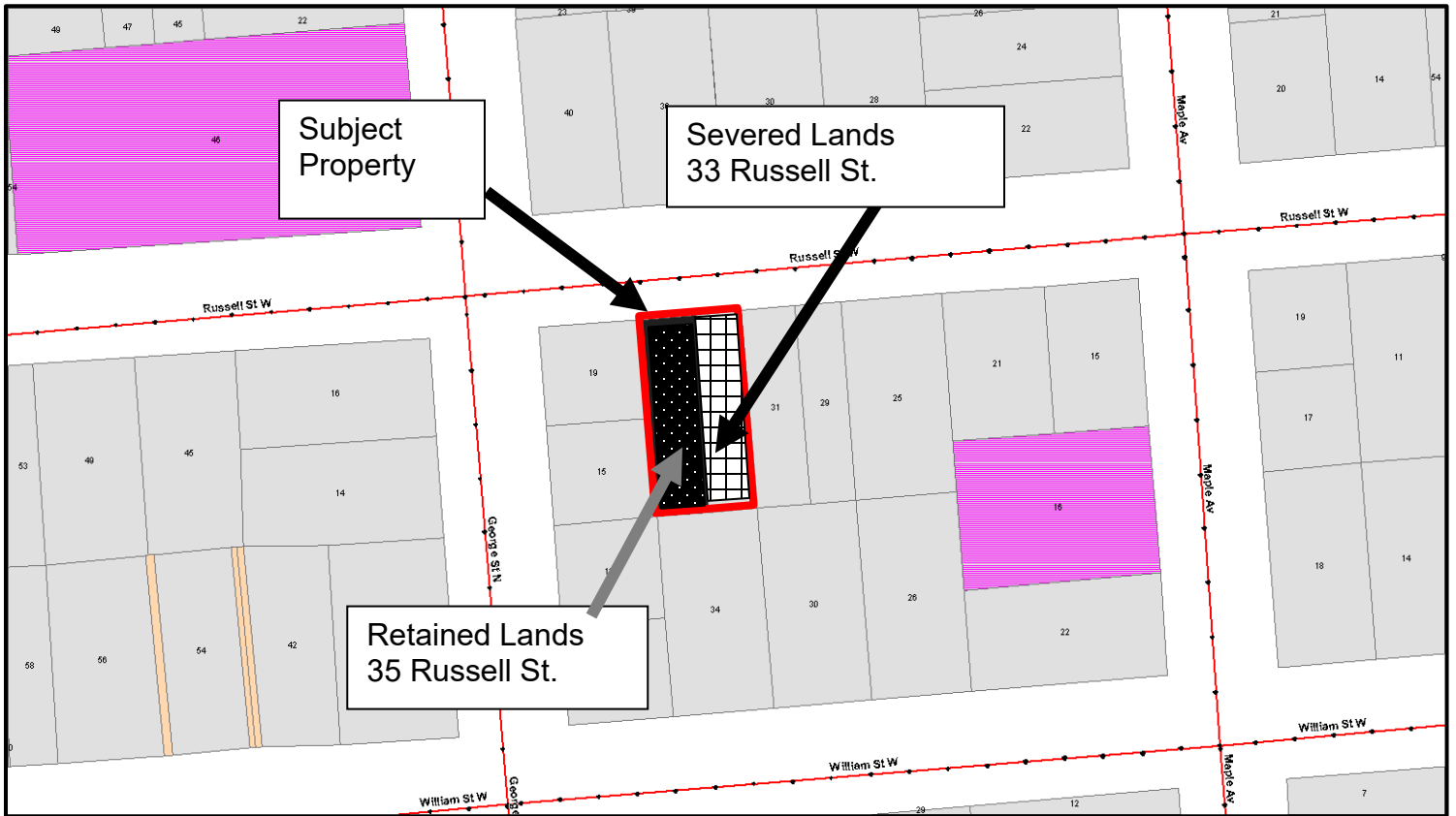
Karl Grenke, RPP
Manager of Development
Services

Approved for Agenda by CAO

Original signed by

Malcolm Morris, CMO
Chief Administrative Officer

Appendix A – Key Map



Appendix B- Decision of the Planning Advisory Committee

DECISION OF THE TOWN OF SMITHS FALLS PLANNING ADVISORY COMMITTEE RESPECTING APPLICATION FILE NO. B22-06

WE, the undersigned, having given notice of the proposal as set out in subsection 53(5)(a) of the *Planning Act*, and having determined that a plan of subdivision is not necessary for the proper and orderly development of the municipality and that the proposal is consistent with the policy statements issued under subsection 3(1) of the *Planning Act*, and having had regard to the matters under subsection 51(25) of the *Planning Act*, **the Planning Advisory Committee agrees to give a provisional consent for application B22-06 to formalize the division of the lot at 33-35 Russell Street West subject to the following conditions:**

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 and retained lands.*
3. *The owner shall supply one digital and two hard copies of the deed or transfer document reflecting the conveyance of the easement demonstrated in the application.*
4. *The balance of any outstanding taxes, including penalties and interest shall be paid to the Town.*
5. *The applicant shall, to the satisfaction of the Department of Public Works and Utilities, service each lot with its own water and sanitary lateral services. The applicant is responsible for obtaining any permits required by the Town for this work. The applicant shall consult directly with the Department of Public Works and Utilities to determine the steps needed to fulfill this condition.*
6. *Demonstrate to the satisfaction of the Municipality that all existing structures on the severed and retained lands comply with applicable zoning provisions, or any relief granted thereto.*