



SMITHS FALLS

RISE AT THE FALLS

REPORT #PAC-23-13

To: Planning Advisory Committee
From: Richard Grant, Planner I
Date: October 12 2023
Re: **Application for Consent (B23-03)**

Recommendation:

The Planner recommends that Consent Application B23-03 be approved, 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 to the recipient 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 owner shall update Schedule C- Site and Landscape Plan to the in-effect Site Plan Control Agreement dated January 4, 2022.
6. The owner shall obtain a permanent easement agreement for the severed 4.39m² parcel from Enbridge Inc.

Purpose:

The applicant has applied for a consent pursuant to Section 53.5 of the *Planning Act* to sever a 4.39 m² parcel of land along the eastern property line of 11 William Street West to be added to the 7 Maple Avenue North property. The consent would allow for a lot line addition to be completed between the properties municipally known as 7 Maple Avenue North and 11 William Street West.

Property Information

Address:	11 William St. W
Severed Lot Size:	4.39 m ² (47.25 ft ²)
Retained Lot Size:	223.79 m ² (2408.86 ft ²)
Zoning:	Downtown Core
OP Designation:	Downtown Core
Date of Site Visit:	September 1 st , 2023

Background:

In September 2023, the Town received a completed consent application from Hammer & Nails Developments, the owners of 11 William Street West and 7 Maple Avenue North. 7 Maple Avenue North is the neighbouring property that is currently undergoing development. In January 2022, Hammer and Nails received site plan approval for a proposed four-story mixed-use development comprised of 33 residential units and two ground-floor commercial spaces fronting on William Street. This development meets the zoning provisions

Report to the Planning Advisory Committee Page 1 of 9
Corporation of the Town of Smiths Falls

B23-03

October 12th, 2023

established for the Downtown Core, which are designed to support commercial and mixed-use development in a traditionally higher density setting. The application seeks to perform a lot line addition to 11 William Street West to ensure that zoning compliance regarding the required number of parking spaces is maintained for the subject property at 7 Maple Avenue North. The need for a Hydro One power transformer unit was identified while constructing the proposed mixed-use development at 7 Maple Avenue North and it was determined the transformer would go in the southeast corner of the lot, occupying two parking spaces. The placement of the Hydro One power transformer unit necessitated a reconfiguration of the parking area to replace the two parking spaces. To resolve this issue, the applicants have proposed re-orienting three angled parking spaces along the lot line shared between the two properties to accommodate a total of five perpendicular spaces. The angled spaces existed entirely on the 7 Maple property, however the perpendicular spaces, being deeper, would encroach about 0.3 m (1 ft) into the 11 William Property. The application as presented proposes to sever that 0.3 m parcel from 11 William Street West as a lot line addition to 7 Maple North in order to allow the creation of new parking spaces for 7 Maple. The severed, retained and enlarged parcels are designated Downtown Core in Schedule "A" of the Town's Official Plan and zoned Downtown Core according to the Town's Zoning By-law.

See Schedule "A" for the Site Map and Schedule "B" for the Site Sketch in the Appendix.

Land Context:

The subject property is situated on the western side of the Town's downtown core in a neighbourhood comprised of a wide mix of commercial and residential uses along William Street West and neighbouring streets. On the property is an existing 2-storey red brick house that serves a mixed-use function with men's personal grooming services located on the ground floor and residential uses on the upper storey, all of which is in accordance with the Downtown Core (DC) Zone. The 2-storey brick building is supported by a wrap-around porch and retains the traditional residential form typical of residential properties found within Smiths Falls. A driveway with space for one car is on the westerly side of the lot. On the subject lands, there is an approximately 3 m front yard setback, which allows for a small-landscaped front yard and a hand-painted wooden sign that advertises the commercial business operating within the mixed-use dwelling. The placement of the existing dwelling, along with the grassed and paved driveway does not impact the proposed severance of the 4.39m² parcel.

The form and function of the subject property at 11 William Street West has influenced the development of the 7 Maple Avenue North lot, as the 4-storey building and parking area are effectively built around the existing 2-storey red brick house. The 7 Maple Avenue North development and this consent application will not result in changes to the existing development at 11 William Street West. The proposed 4.39m² parcel to be severed, situated on the easterly side of the subject property, is an unutilized strip of gravel serving the function as the edge of the easterly border of the subject property.

Directing Policy:

Provincial Policy Statement (PPS)2020.

Subsection 4.1 of the PPS 2020 states the Provincial Policy Statement applies to all decisions concerning the exercise of any authority that affects a planning matter made on or after May 1, 2020

While the Provincial Policy Statement 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 a time horizon of up to 25 years. Subsection 1.1.2 of the PPS 2020 states, *“Within settlement areas, sufficient land shall be made available through intensification [...]”*.

Section 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 promoted. 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.

Smiths Falls Official Plan 2034

The subject lands are designated Downtown Core (Section 6.4.2) in the Town’s Official Plan. The Downtown Core intends to serve as a government, community uses and cultural centre for the Town, while supporting regional-serving retail, office, entertainment, recreation, and tourism activities together with residential uses.

Section 4.5 (Infrastructure) speaks to the servicing needs and priorities of the Town and stipulates that new lots shall only be created where there is sufficient water and sewer system capacity.

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 Downtown Core, which is the zoning category used to accommodate various commercial uses such as retail, personal shop services, and restaurants. Above-ground residential uses are permitted.

Based on the information provided, the current use and configuration of the 11 William Street West and 7 Maple Avenue North properties conform to and comply with the Downtown Core Zone. The Zone does not prescribe a minimum interior side yard setback.

Public and Agency Feedback Received:

As of the time of the preparation of this report, only agency feedback was received:

- **Dept of Public Works:** *A swath of land 0.3 m by 14.63 m is required from 11 William St. W. to achieve the required 2 additional parking spaces for 7 Maple Ave development. We have previously reviewed the 7 Maple Ave. development plans and have approved the stormwater management and grading in the area and do not have any concerns with the addition of this small section of land to achieve required parking as it relates to grading and drainage.*
- **Enbridge Inc.:** Enbridge Inc. has an objection to the proposed development because it is adjacent to a nearby gas pipeline presently servicing the structure at 11 William St. West and requests that an easement over the 0.3 m X 14.63 m parcel be a condition of severance.

Review:

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.

The application seeks to sever a parcel of land 4.39 m² (0.3 m X 14.63 m) in size from 11 William Street West that sits on the easterly side of the subject property to facilitate a lot line adjustment in favour of 7 Maple Avenue North, for the purposes of facilitating the proposed development. The parcel to be severed would enlarge the benefiting lot (7 Maple Avenue North), facilitate use the a 6.0 m wide aisle width (in accordance with the zoning performance standards at the time the development was approved) and accommodate the addition of two new perpendicularly oriented parking stalls. This application allows for the parking requirements prescribed in the Town’s Comprehensive Zoning By-law to be met and ensures that the functionality of the parking lot for the proposed development at 7 Maple Avenue North is maintained.

The application presented provides a solution to the parking requirements of the proposed development while still enabling the retained parcel to function as intended. However, during the public and agency consultation and feedback process of this consent application, Enbridge Inc. had objected to the nature of the proposed severance on the basis that it would diminish their ability to access to the nearby gas pipeline for future servicing and replacement presently servicing the structure at 11 William St. West. As a condition of this severance, Enbridge Inc. has proposed that the applicants obtain an easement from them [Enbridge Inc.] for the parcel that is to be severed (11 William Street West). An easement is a right-of-way agreement that would give Enbridge certain rights to build, maintain and operate the nearby gas line, with ownership of the subject property maintained by the landowner. In typical cases, the use of the land (with certain limitations) is also retained by the owner within the easement agreement. If the land is sold, the rights and responsibilities under the easement will remain with the property under the new owner. Staff are of the opinion that the applicants must comply and obtain an easement from Enbridge Inc. and have recommended such an approach found at the top of the page of this report under ‘Recommendation’. In summary, this application, as proposed, still maintains the use and intent of the subject lands in accordance with the Official Plan’s Downtown Core designation. As such, Staff recommend this application be approved as presented.

Recommendation:

The Planning Advisory Committee is tasked with making a decision on the application as presented. Based on a review of applicable governing policies and consideration of the intricacies of application B23-03, planning staff are of the view that a severance to divide a portion of the lot at 11 William Street West as a lot addition to benefit 7 Maple Avenue North broadly meets the intent of the PPS 2020, and the Town’s Official Plan 2034 in policy and can be given favourable consideration by the Committee. As such, Staff recommend the Committee approve the consent application, subject to the conditions outlined on the first page of this report.

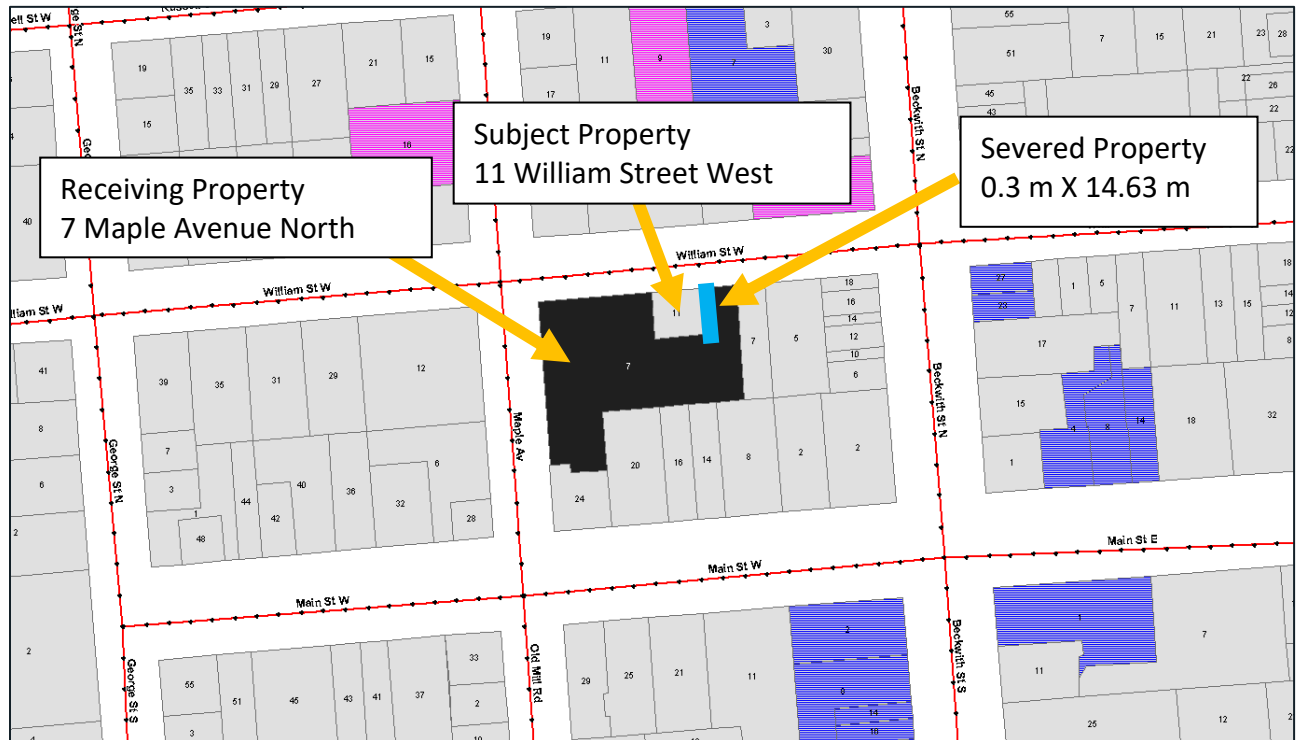
Respectfully Submitted

Richard Grant
Planner I

Reviewed and Approved

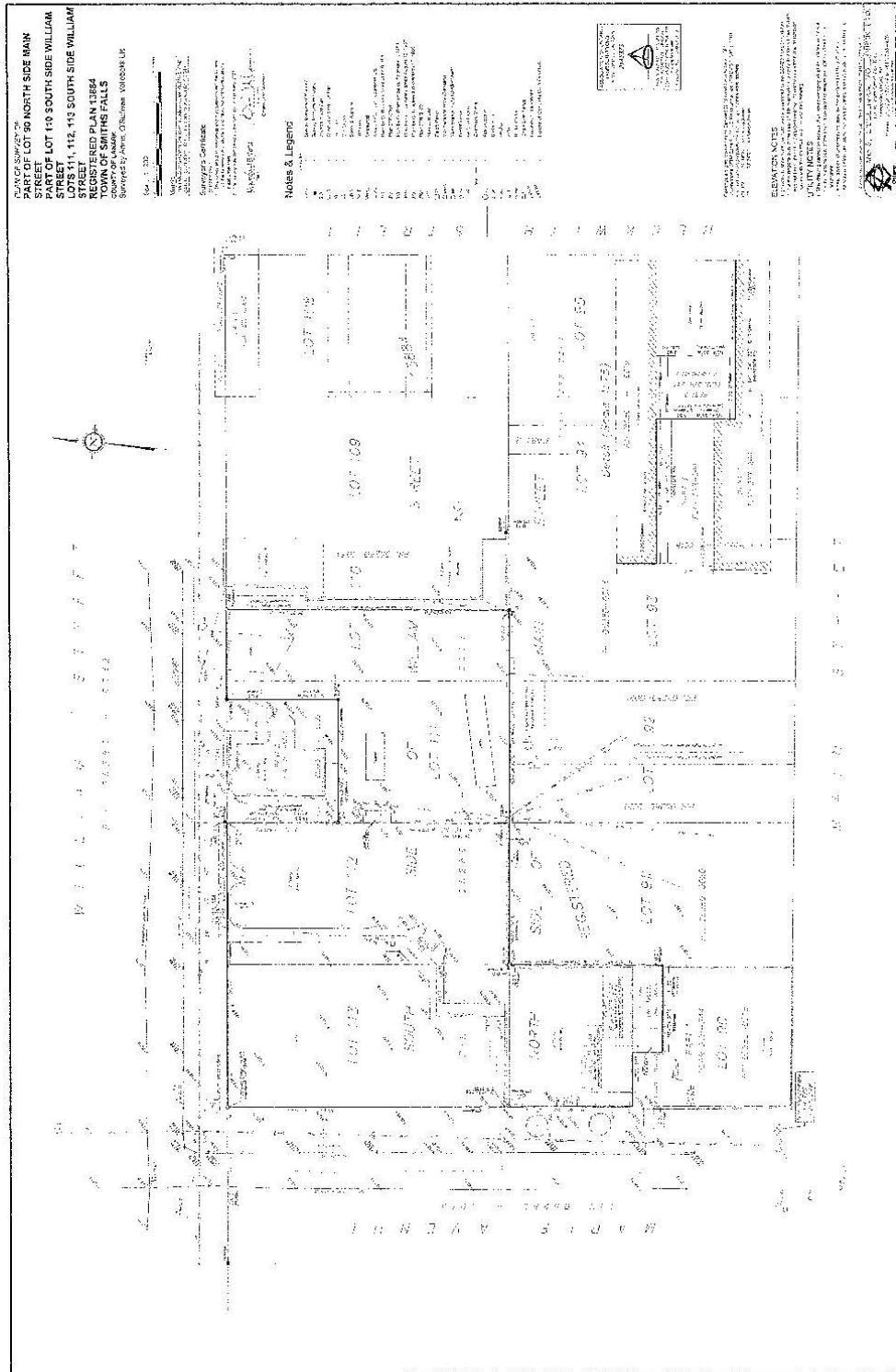
Karl Grenke, MCIP, RPP
Manager of Development Services

APPENDIX A – Location Map



[illegible]

APPENDIX C- Property Survey



APPENDIX D- Site Visit Photos



