



SMITHS FALLS

RISE AT THE FALLS

REPORT #PAC-24-08

To: Planning Advisory Committee
 From: Richard Grant, Planner I
 Date: August 8th, 2024
 Re: **Application for Minor Variance (MV-24-03)**

Recommendation MV-24-03:

Planning staff recommend the **approval** of the application for a minor variance to Section 4.29.1 Alternative Building Setbacks in Residential Zones and Section 12.2.1 Lot Building Requirements for Non-Residential Buildings, Table 12.1: Lot and Building Requirements for Non-Residential Buildings of the Town's Comprehensive Zoning Bylaw, subject to the following conditions:

- 1. 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.*

Purpose:

To accommodate the construction of a proposed three-storey mixed-use development with two ground-floor commercial units and five residential units on the site, the applicant is requesting relief from the following sections of the Town's Comprehensive Zoning Bylaw:

- (1) Section 4.29.1 Alternative Building Setbacks in Residential Zones for a proposed front yard setback of 1.14 m (whereas the By-law requires a minimum of 3 m for the front yard); and,
- (2) Section 12.2.1 Lot Building Requirements for Non-Residential Buildings, Table 12.1: Lot and Building Requirements for Non-Residential Buildings for a proposed interior side yard setback of 1.5 m (whereas the By-law requires a minimum of 3 m).

Background:

In July 2024, the Town received a complete minor variance application from the applicant, Dream Design Architecture, on behalf of owner Adam Morgan from A.H. Morgan Investment Inc. for relief for a 1.5 m interior side yard and 1.14 front yard setbacks for a proposed mixed-use development as outlined above. Through this application, the

Property Information

Address: 34 William Street East

Lot Size: 656 m²

Zoning: DF

OP Designation: Downtown Core

Date of Site Visit: July 29th, 2024

requested reliefs are intended to facilitate the proposed lot configuration and building envelope for the mixed-use development. The existing single detached dwelling is slated to be demolished to accommodate the proposed development. Two ground-floor commercial units, one residential unit at the rear of the first floor, and two residential units per upper floor, totalling five residential units overall, are proposed mixed-use development. Parking in the rear will be accessible from William Street East through a 3 m wide paved driveway. Access to the subject property will be facilitated with one side and front entrance. The subject property is zoned Downtown Fringe and designated Downtown Core in the Town's Official Plan. If approved by the Committee, this development will be subject to site plan control, which will implement design and engineering requirements.

See Appendix 'A' for the Key Reference Map, Appendix 'B' for a Site Plan, Appendix 'C' for site visit photos, and Appendix 'D' for Elevations.

The applicant has also provided a planning justification brief in support of this application, referenced in this report, which is available to the Committee or the public as part of the public record.

Land Use Context:

The subject property is a 656 m² (7061 ft²) rectangular-shaped interior lot with a depth of 36.58 m and 18.29 m frontage boarded by two residential lots. A single-detached two-storey home characterized by white vinyl siding, a pitched red aluminum roof, and an enclosed front yard vestibule is situated on the subject property. A paved driveway runs to a detached two-door garage at the rear of the subject property, providing access from William Street East. The existing dwelling is set back 6 m (as indicated on the application) from the property line, with a flower garden surrounding the street-facing front perimeter of the home and a grassed lawn.

Situated on William Street East, the subject property is located in the Downtown Fringe, characterized as a transitional zone between the predominately residential neighbourhood to the west on Queen Street and the Downtown Core east of the subject property. Immediately across from the subject property is a municipally owned parking lot on Market Street North and other residential and commercial properties, such as Kinklaid & Loney Monuments Ltd, along the same side of the street.

With respect to the two residential lots on either side of the subject property, the residential building on the left is a two-storey white vinyl-side duplex situated right up to the municipal right of way. On the right-hand side is a two-storey red-bricked duplex with an approximately 6 m front yard, similar to the existing home on the subject property. I.e., the two residential properties have different setbacks with respect to the existing dwelling on the subject property. Also, a commercial rug cleaning business, Rotating Rug Rental, is on the corner of Market Street North and William Street East.

The mixed-use development is proposed to be 1.14 m from the front yard setback and 2.23 m from the interior side lot line, with a height of 3 stories. The proposed development's

height and massing can be conceptualized by reviewing the attached elevations in Appendix D—Elevations.

Directing Policy:

Smiths Falls Official Plan 2034

The subject property is designated Downtown Core (Section 6.4.2) in the Town's Official Plan. The Downtown Core is planned to be a vibrant and human-scaled environment, with a range of uses supporting active transportation and serving as a focus point for cultural, commercial, and institutional activities, as well as residential uses. Residential projects within the Downtown designation should generally incorporate ground-floor commercial uses.

Comprehensive Zoning By-law 10375-2022

The broad goals outlined in the Town's Official Plan for the Downtown Core are implemented in the regulatory Zoning By-law for the Downtown Fringe. The property is zoned Downtown Fringe, a zoning category that accommodates a wide range of commercial uses (such as office space, medical clinic and community centre), as well as existing residential uses and new upper-floor residential uses. Please note that the range of commercial uses is scoped to include those more compatible in a residential and/or mixed-use context.

Residential uses are permitted in the Downtown Fringe (DF) zone so long as they are located in the upper storey of mixed-use (non-residential) buildings or the rear or the side of the ground floor of a non-residential building with no wall of the dwelling unit facing a public street. Existing single-detached, semi-detached, multiple-unit, townhouse or converted dwellings are permitted, subject to the Residential Type 2 (R2) Zone building performance standards.

Public and Agency Feedback Received:

As of the time of the preparation of this report, the following written feedback has been received from the Building Services department:

- **The Chief Building Official** does not object to this application; however, he advises that the applicant must provide an exposed building face calculation to all elevations prior to submitting a building permit.
- **The Public Works and Utilities Department** does not object to this application but requires a Grading & Drainage Plan and Stormwater Management brief as a condition of approval. They also advise implementing low-impact development techniques such as French drains around the perimeter, interlock pavers for the proposed parking lot for a permeable surface and soaker pits at the eavestroughs on site to reduce potential stormwater runoff.

Issues and Discussion:

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?

The proposed mixed-use development comprises two commercial ground-floor units (facing William Street East) and five residential units (one behind the commercial ground-floor units and four on the second and third floors). The mixed-use nature of the proposed development fits within the Downtown Core (LU - 4.1-4.4) policies outlined in the Town's Official Plan, as it allocates space for commercial uses on the ground floor and residential uses on the first (in the rear) in the upper floors in a compact urban design. LU-4.2 supports mixed-use projects that have a height of at least 2 to 6 stories within the Downtown Core, which this development maintains.

The proposed development's mixed-use character will not change with regard to the approval of the requested reliefs. In addition, any concern about the site being overbuilt can be addressed by incorporating various low-impact development techniques to improve stormwater management and soft landscaping on site. With respect to its overall massing and scale, the built form of the proposed development is different from the existing neighbourhood as this is the only example of a three-storey development on William Street East; however, it is not out of character of what is considered appropriate as per the Official's designation of Downtown Core.

Lastly, approving the requested reliefs does not present foreseeable impacts on the site's ability to address snow storage, as this request does not further reduce the proposed parking lot. As outlined above, the proposed development may be subject to site plan control, which will allow for any concerns with respect to urban design and site functionality to be addressed.

The requested reliefs are intended to facilitate the creation of the proposed development. Staff believe that the requested relief fulfils the Downtown Core policies of the Town's Official Plan in keeping with the neighbourhood's non-residential (mixed-use) character and permitted use of the lot, therefore conforming to its general intent as proposed.

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

For the requested reliefs to be met, the intent of the Comprehensive Zoning By-law and the reasoning behind the zoning provisions must be rationalized, and the outcome must be considered consistent with this intent.

An alternative building setback for any proposed development is determined by calculating the average front yard setback of properties on the same street side as

the proposed development. Section 4.29.1 Alternative Building Setbacks in Residential Zones in the Comprehensive Zoning By-law requires a minimum of 3 m for the front yard for interior lots and 3.5 m for lots with an exterior side yard (provided that the driveway granting access to the required parking spaces is no more than 6 m long). Also, the adjacent buildings cannot be separated by more than 60 m.

The general intent of Section 4.29.1 is to ensure that any development in Smiths Falls maintains an attractive street presence demonstrating conformity with existing developments, safeguarding the relationship between the front yard of the proposed development and the street or municipal right of way, thus achieving the ideals of a harmonious neighbourhood in terms of size, scale and use as articulated in the Town's Official Plan. While the requested relief does not conform to the exact letter of the By-law, Staff believes it conforms to the general spirit of the by-law because the proposed development still presents an attractive street presence with a reduced front yard, maintaining the existing mixed-use character of the neighbourhood as it attempts to maintain the average building setback of William Street East. Moreover, the proposed three-storey height is within the height restrictions for mixed-use developments in the Downtown Core, thus not presenting an overly built site with respect to the proposed height and size, ensuring overall computability within the established neighbourhood context.

Section 12.2.1 Lot Building Requirements for Non-Residential Buildings, Table 12.1: Lot and Building Requirements for Non-Residential Buildings requires an interior side yard of 3 m. The applicant requests a relief of 1.5 m for the interior side yard setback. While the request may not conform to the letter of the By-law, Staff believe that the requested relief adheres to the spirit of the By-law because there is still sufficient space for adequate sunlight, fire separation from buildings, and on-site pedestrian movement can still be maintained on the interior side (with a width of 2.23 m). The interior side yard is 2.23 m, only 0.77 m less than the required 3 m interior setback. Additionally, on the adjacent residential property (to the right of the subject property, going towards Queen Street), there is a driveway that runs parallel to the interior side yard of the proposed development, thus providing even more space between the two buildings. Lastly, as advised by the Department of Public Works and Utilities, Low Impact Development (LID) techniques, such as soak pits under eavestroughs and interlock pavers for the proposed parking area, can significantly minimize any impacts from stormwater runoff.

With respect to the size and scale of the proposed three-storey mixed-use development, there are no foreseeable impacts on having sufficient space to permit adequate access to sunlight, fire separation between buildings, on-site pedestrian movement and minimizing any adverse effects from stormwater runoff. Also, the Chief Building Official does not object to the nature of the application; however, they request that prior to submitting a building permit, the applicants provide an exposed building face calculation, a typical requirement under the Ontario Building Code to ensure adequate fire protection (which is a function of maintaining sufficient fire separation between buildings).

As such, the proposed development conforms to the general intent of Section 12.2.1 Lot Building Requirements for Non-Residential Buildings, Table 12.1: Lot and Building Requirements for Non-Residential Buildings.

3. Is the application desirable for the appropriate development of the lands in question?

In determining the desirability and appropriateness of this application, planning staff must evaluate the location and configuration of the property, its fit within the existing neighbourhood, and whether this proposal represents good land use planning. This proposal represents an individual opportunity to establish mixed uses in the Downtown Fringe zone, in keeping with the goals of the Downtown Core designation of the Official Plan and the spirit of the applicable sections of the By-law through requested reliefs as proposed.

Moreover, the requested reliefs will facilitate the creation of the proposed development, which is desirable in its ability to create a functional improvement to the existing lot, representing an example of a compact urban form with respect to its proposed location and property configuration. Lastly, the three-storey height of the proposed development, although a storey taller than any existing development along William Street East, is still appropriate for mixed-use envelopes in the Downtown Fringe. As such, this application is deemed to meet this test. The proposed development may be subject to site plan control, the one mechanism used to implement any recommendations to improve the site through design and engineering.

4. Is the application minor in nature and impact?

In evaluating whether an application is “minor,” the Committee is reminded that this is more than just a mathematical exercise but rather an assessment of the impact of its intended function.

Although the requested 1.14 m front yard setback relief is much smaller than the minimum 3 m derived from an alternative building setback calculation, any foreseeable impacts would largely be related to the impact on the existing character of the neighbourhood and its proposed developments' street presence. The requested reliefs will not change the mixed-use character of the neighbourhood, the height of the proposed development is within the allowable height of the Downtown Fringe (between two to six stories), and the street presence of the proposed development is not seen by Staff to be negatively impacted with a reduced front yard as it is the average building setback of subject properties along the same street, thus representing a minor change to the existing neighbourhood in both character, function and use. As such, the requested relief is considered minor in nature based on the proposed development's three-storey height and massing, as well as the maintenance of a front yard entrance.

With respect to the amount of impervious surface and lot coverage as suggested by the proposed development, while it may result in a greater degree of hardscape than

the existing subject property, the incorporation of LID techniques as advised by the Department of Public Works and Utilities any foreseeable impacts with respect to stormwater runoff should be minimized. It should be noted that the Department of Public Works and Utilities does not object to the application's nature in principle; their review recommends a grading & drainage plan and stormwater management brief, in addition to incorporating LID techniques to reduce any potential stormwater runoff. Moreover, the cumulative impacts of the two requested reliefs do not appear to pose any foreseeable major impacts on the proposed development. As such, staff consider this application minor in nature and impact.

Summary and Recommendations:

Based on a review of applicable policies and consideration of the intricacies of the site, planning staff have come to the opinion that the proposal presents a reasonable construction that does not impose negative impacts on neighbours or vehicular traffic near this location, and the proposal can be demonstrated to meet the four tests set out by the Planning Act. As such, staff recommend the Committee **approve** this application as proposed, subject to the following suggested conditions:

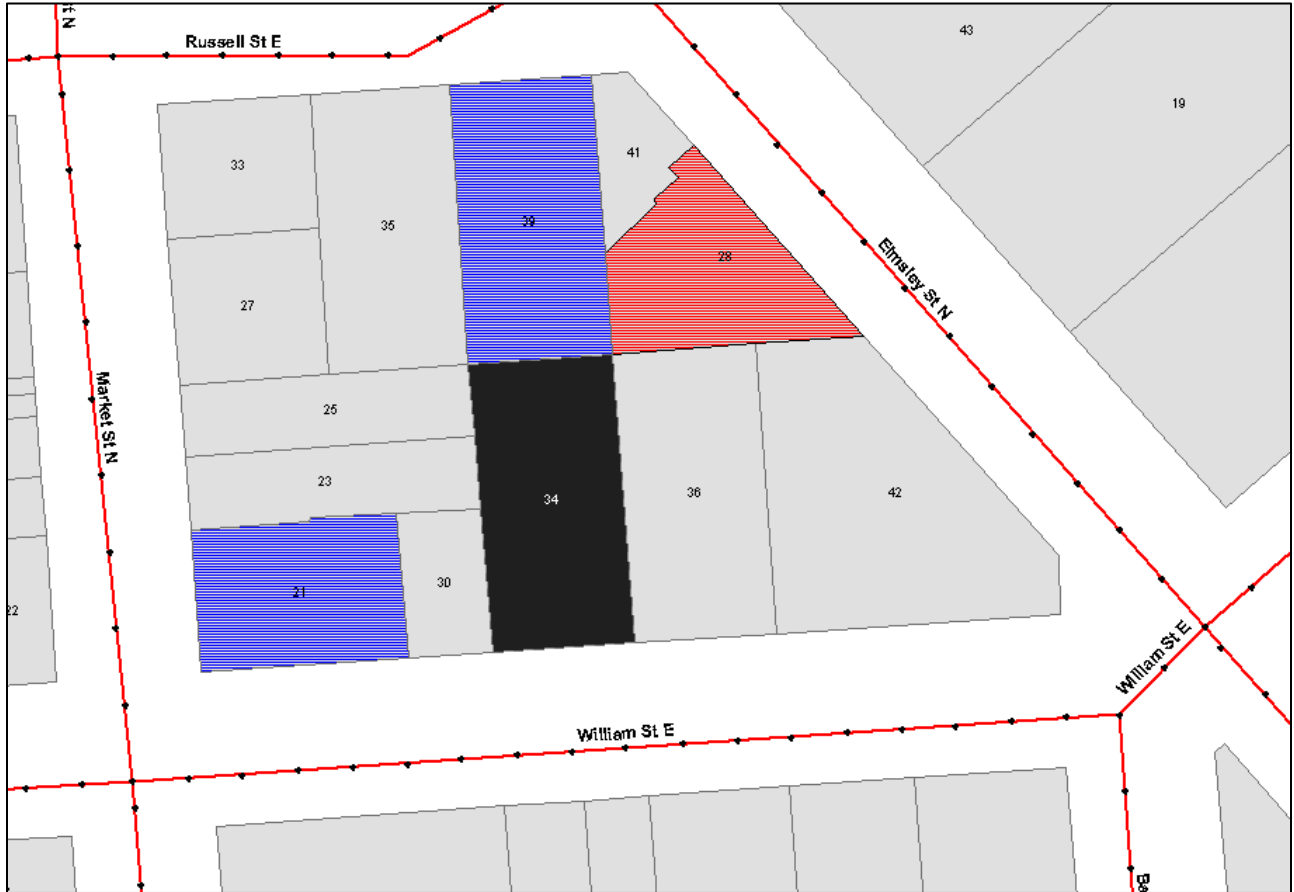
- 1. The applicant shall provide and implement a Grading & Drainage plan and Stormwater Management brief ensuring zero-net runoff on neighbouring properties. To mitigate stormwater runoff, the applicant must incorporate low-impact development techniques to manage stormwater runoff, i.e., French drains, 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.*

Respectfully Submitted
Original Signed
Richard Grant
Planner I

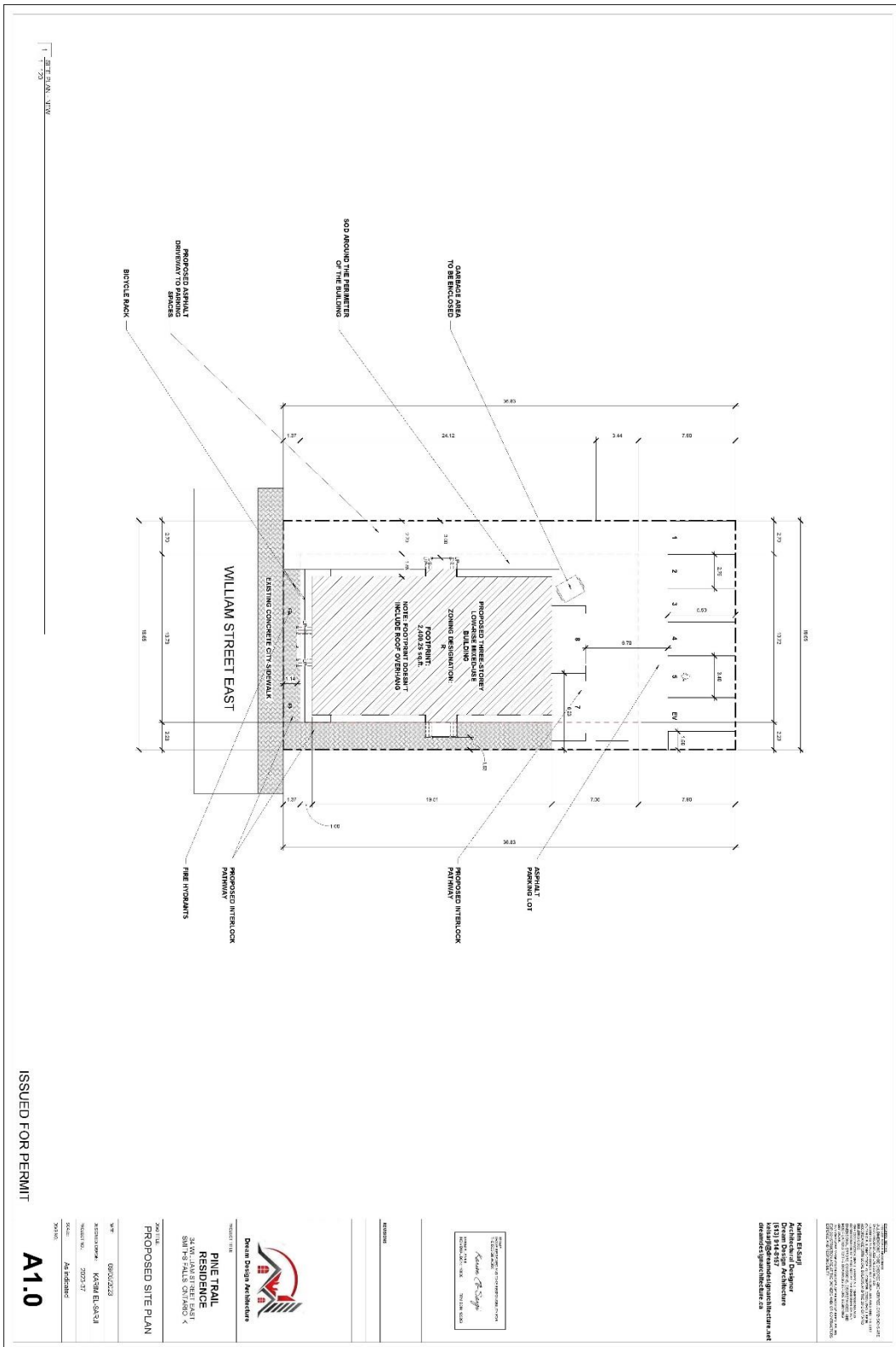
Reviewed and Approved
Original Signed
Karl Grenke, MCIP, RPP
Manager of Development Services

APPENDIX 'A' – Key Map

34 William Street East



Appendix B – Site Plan



ISSUED FOR PERMIT

A1.0

DATE: 09/25/23
 DESIGNER: KACIM EL-SAYED
 PROJECT NO.: 2023-17
 SCALE: As Shown

PROJECT TITLE
PINE TRAIL RESIDENCE
 2417 W. PINE TRAIL, SMITHS FALLS, ONTARIO



REGISTERED ARCHITECT
 Dean David Architects
 1000-10th Street East
 Smiths Falls, Ontario K7M 8L8

DATE: 09/25/23
 DESIGNER: KACIM EL-SAYED
 PROJECT NO.: 2023-17
 SCALE: As Shown



REGISTERED PROFESSIONAL ENGINEER
 Kacim El-Sayed
 1000-10th Street East
 Smiths Falls, Ontario K7M 8L8

DATE: 09/25/23
 DESIGNER: KACIM EL-SAYED
 PROJECT NO.: 2023-17
 SCALE: As Shown

PROJECT TITLE
PINE TRAIL RESIDENCE
 2417 W. PINE TRAIL, SMITHS FALLS, ONTARIO

REGISTERED ARCHITECT
 Dean David Architects
 1000-10th Street East
 Smiths Falls, Ontario K7M 8L8

REGISTERED PROFESSIONAL ENGINEER
 Kacim El-Sayed
 1000-10th Street East
 Smiths Falls, Ontario K7M 8L8

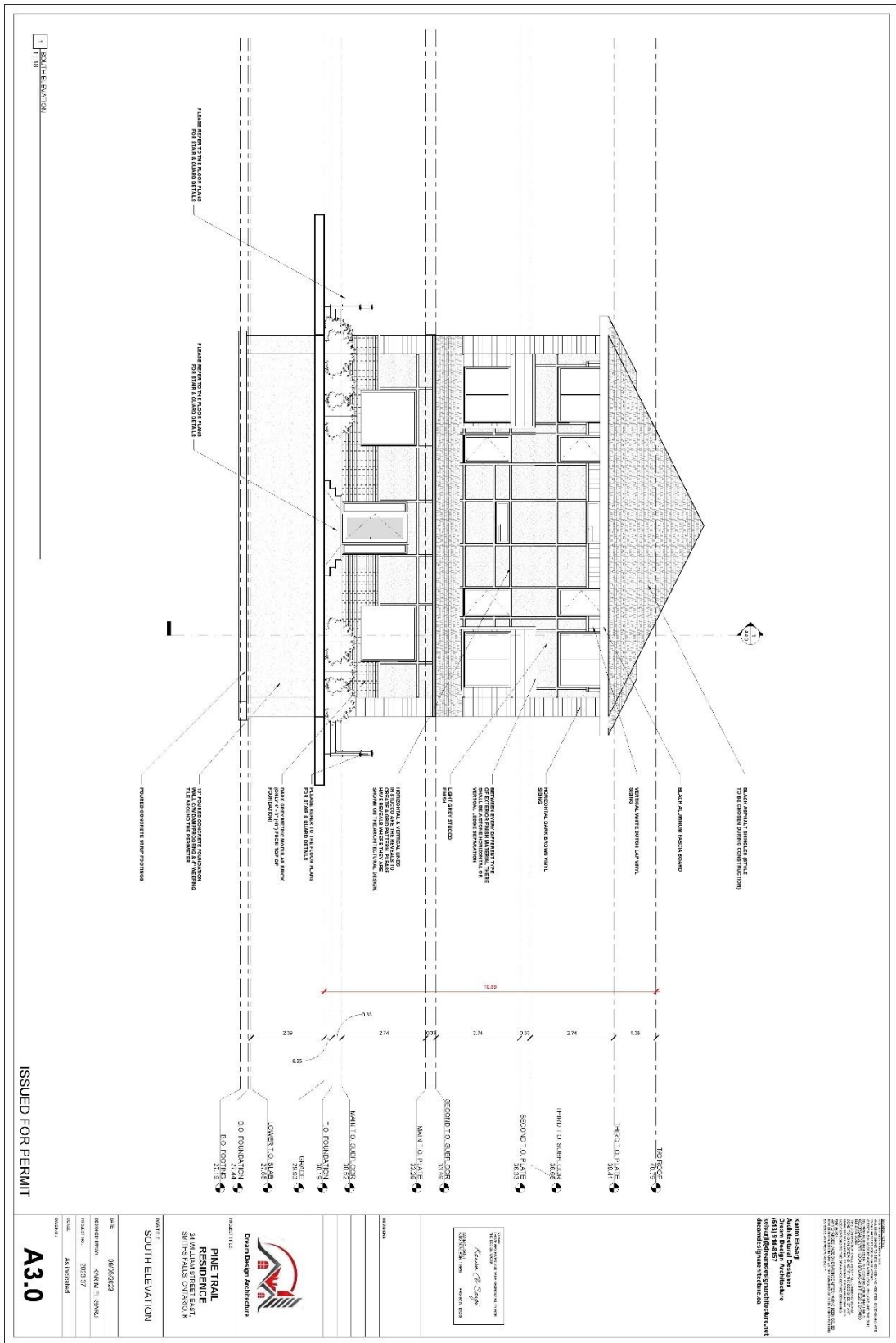
DATE: 09/25/23
 DESIGNER: KACIM EL-SAYED
 PROJECT NO.: 2023-17
 SCALE: As Shown

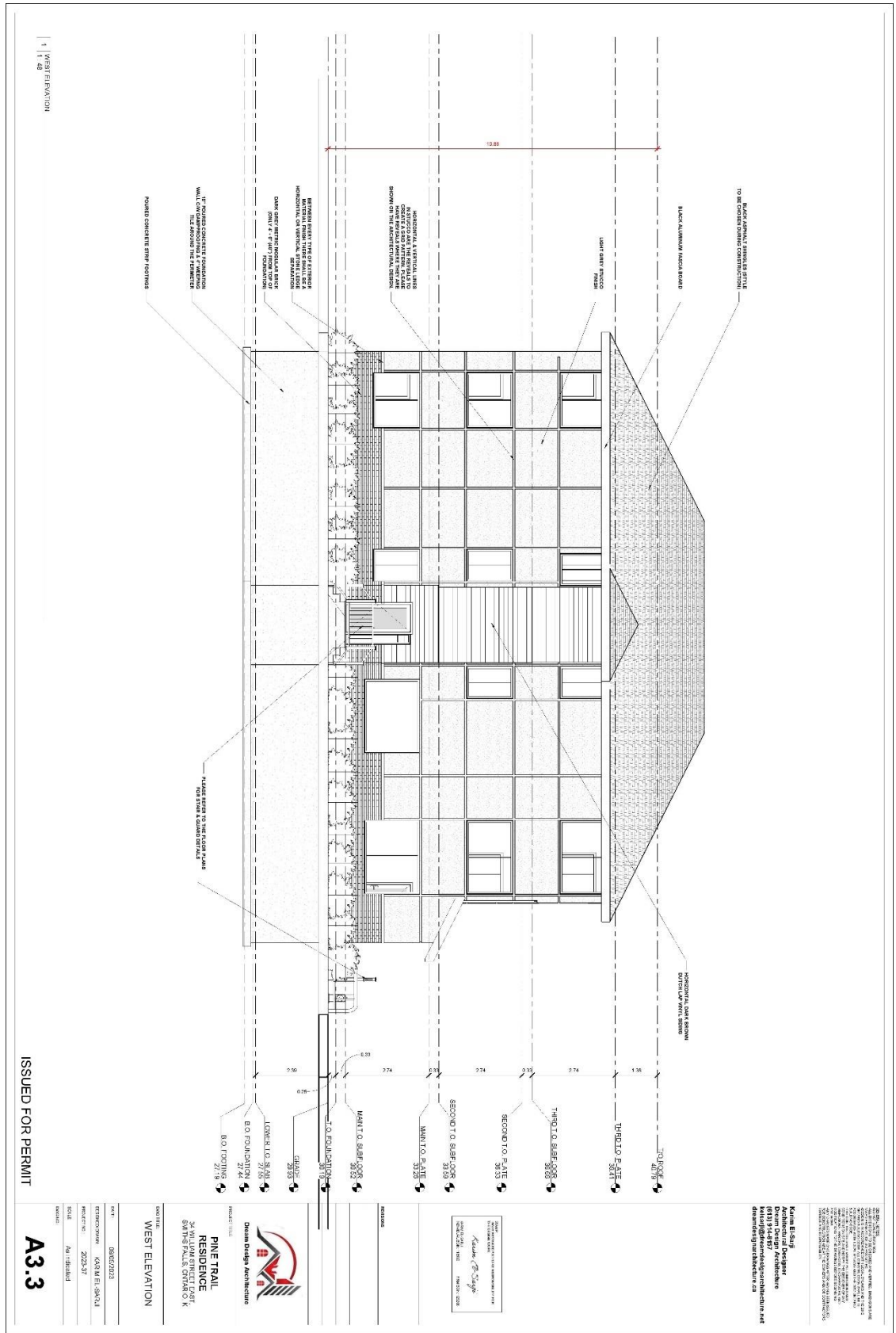
Appendix 'C'- Site Visit Photos





Appendix 'D' - Elevations





1 | WEST ELEVATION

ISSUED FOR PERMIT

A3.3

PROJECT:
PINE TRAIL
RESIDENCE
24 WILLOW STREET, 202
SMITHS FALLS, VERMONT

ARCHITECT:
Diana Design Architecture

DATE:
08/22/2023

PROJECT NO.:
2023.37

SCALE:
As Shown

CLIENT:
WEST ELEVATION

Kevin E. Skiff
Architectural Designer
(813) 944-8711
k.skiff@kevin-skiff.com

THIS DOCUMENT IS THE PROPERTY OF KEVIN E. SKIFF ARCHITECTURAL DESIGN AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF KEVIN E. SKIFF ARCHITECTURAL DESIGN.