



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

RE AN APPLICATION BY: **IN ENGINEERING + SURVEYING C/O TOMLYN GRAOVAC**
OWNER: **TASHA LEE GILFILLEN & ROGER WILLIAM JOHN COUSINEAU**
FILE NO.: **MV-24-05**
LOCATION of PROPERTY: **25 UNION STREET**
LT 29 E/S UNION ST PL 13884 LANARK S MONTAGUE; TOWN OF SMITHS FALLS

TAKE NOTICE that the Planning Advisory Committee of the Town of Smiths Falls held a public meeting on October 17th, 2024, to consider a request for permission to enlarge a non-conforming use or structure proposed minor variance application under Section 45(2)(a) of the *Planning Act* and made a decision on the application that same day, as outlined below.

PURPOSE OF APPLICATION: Application MV-24-05 sought permission to expand a legally non-conforming use on the property for the purpose of constructing a 2-storey addition to the dwelling (to be an additional residential unit) and an 18 m² shed in the rear yard. The residential addition would replace a 10.7 m² shed.

The subject property is zoned Corridor Commercial (CC), shares the dual designation of Highway Commercial and Industrial of the Town's Official Plan and sits within the Targeted Growth Area. The Zoning Bylaw permits automobile-oriented commercial uses in the CC zone. The CC zone does not permit residential uses as of right; as such, permission to expand the non-conforming residential use is being requested through this application.

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 November 6, 2024.

MORE INFORMATION: For further information on this application, please contact the Secretary-Treasurer during regular office hours, Monday through Friday, 8:30 a.m. to 4:30 p.m.

DATED AT THE TOWN OF SMITHS FALLS THIS 17th day of October 2024.

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



RESPECTING APPLICATION FILE NO. MV-24-05

WE, the undersigned, in making the decision upon this application, have considered whether or not the variance requested was 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 17th day of October 2024.

DECISION: Give permission to expand the non-conforming structure submitted under Section 45(2)(a)(1) as proposed, on condition that the proposed development be constructed substantially as shown on the Site Sketch dated August 26, 2024 and forming part of this Decision.

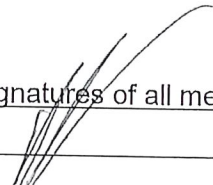
REASONS FOR DECISION:

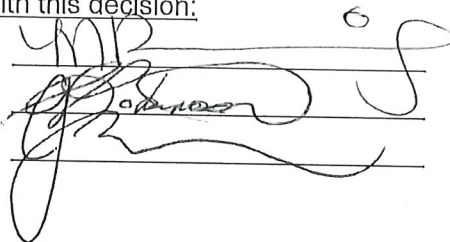
1. The Committee reviewed the evidence presented at the hearing and determined that the proposal would have no adverse impacts on the Corridor Commercial Zone nor impact the function and use of adjacent properties.
2. The Committee determined that the request to expand the non-conforming structure enables a desirable form of development by enabling residential intensification that is appropriate on the subject lot and can be justified and meets the tests set out in case law for expanding a legal non-conforming use or structure.

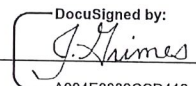
EFFECT OF WRITTEN AND ORAL SUBMISSIONS:

The Committee considered feedback regarding compatibility and neighbourhood character and determined that the proposed development would have no adverse impacts on the Corridor Commercial zone.

Signatures of all members concurring with this decision:





DocuSigned by:


 A094E8889CCD412...

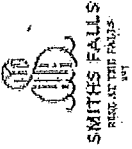
CERTIFICATE

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 17th day of October 2024
TOWN OF SMITHS FALLS
77 BECKWITH STREET NORTH
SMITHS FALLS ON K7A 2B8



Karl Grenke, Secretary/Treasurer
 613-283-4124 ext. 1116
 kgrenke@smithsfalls.ca



MV-24-05 – 25 Union Street
Site Sketch – August 26th, 2024

