



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

RE AN APPLICATION BY: **HARI BHUMI INC. C/O RAJNIKANT PATEL**
OWNER: **NILESH LUHAR C/O**
FILE NO.: **MV-25-06**
LOCATION of PROPERTY: **107 LOMBARD STREET**
PT LT 3 CON 4 SOUTH ELMSLEY PT 2-4, 27R6827; T/W & S/T RS185497;
S/T RS 182407; TOWN OF SMITHS FALLS

TAKE NOTICE that the Planning Advisory Committee of the Town of Smiths Falls held a public meeting on November 13th, 2025, to consider a proposed minor variance application under Section 45(3) of the *Planning Act* and made a decision on the application that same day, as outlined below.

PURPOSE OF APPLICATION: Applicant seeks minor variance from Sec. 16.2.1 Table 16-1 (Corridor Commercial Zone – Lot and Building Requirements) of the Zoning By-law to reduce the minimum gross leasable area of a commercial unit from 250 m² to 115 m². The applicant also seeks to recognize the existing landscaped space measuring 1124 m² to remain whereas the Bylaw requires a minimum of 30% landscaped open space.

The proposed development involves interior renovations within the existing commercial building currently occupied by Pizza Hut and Subway. The proposed works will result in the creation of an additional commercial unit, sized 115 m². This will increase the total number of units within the building from two to three. The subject property is zoned Corridor Commercial (CC) and is designated Corridor Commercial in the Town's Official Plan.

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 to the Local Planning Appeal Tribunal regarding the Notice of Decision must be filed with the Clerk of the Town of Smiths Falls either via the Ontario Land Tribunal e-file service (first-time users will need to register for a My Ontario Account) at <https://olt.gov.on.ca/e-file-service/> by selecting "Smiths Falls (Town of) Clerk & Secretary-Treasurer" as the Approval Authority or by mail no later than **4:30 p.m. on the 3rd day of December 2025**. If the e-file portal is down you can submit your appeal to the Clerk at kcostello@smithsfalls.ca or Secretary-Treasurer at melmsley@smithsfalls.ca. Note that a notice of appeal must set out the reasons for the appeal and the specific part of the Notice of Decision to which the appeal applies. A notice of appeal must be accompanied by the fee required by the OLT which can be paid online through e-file or by certified cheque / money order to the Ministry of Finance, Province of Ontario.

MORE INFORMATION: For further information on this Notice of Decision, please contact the Secretary-Treasurer during regular office hours Monday to Friday 8:30 a.m. to 4:30 p.m. For more information on making an appeal, please visit: <https://olt.gov.on.ca/>

DATED AT THE TOWN OF SMITHS FALLS THIS 13th day of November 2025 .

Marie Elmsley,
Planning Clerk/ Secretary Treasurer
Town of Smiths Falls
Telephone: 613-283-4124 ext. 1136
Email: melmsley@smithsfalls.ca



**DECISION OF THE TOWN OF SMITHS FALLS PLANNING ADVISORY COMMITTEE
RESPECTING APPLICATION FILE NO. MV-25-06**

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 13th day of November 2025.

DECISION: To Deny Minor Variance Application MV-25-06 -107 Lombard Street:

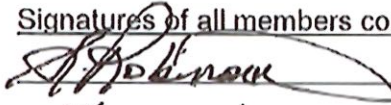
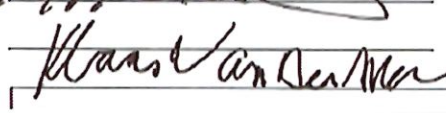
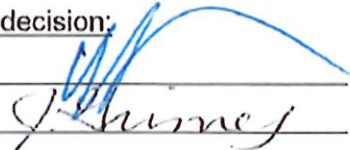
REASONS FOR DECISION:

1. The Committee reviewed the evidence presented at the hearing and determined that the proposal could impact the functioning of other commercial uses outside of the Corridor Commercial Zone such as the Downtown Core.
2. The Committee determined that the variance does not enable a desirable form of development that could be justified within the context of Official Plan policies regarding commercial uses in the Corridor Commercial zone.
3. The Committee felt that the application did not meet all the Four Tests outlined in the Planning Act.

EFFECT OF WRITTEN AND ORAL SUBMISSIONS:

The Committee considered feedback from the Owner and the Applicant who stated that the space has been underutilized since the pandemic and this application could provide an opportunity for them to fill that space. The Committee weighed this against policy that guides the form and function of commercial development in different parts of the Town.

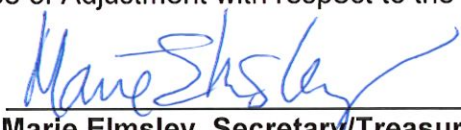
Signatures of all members concurring with this decision:

CERTIFICATE

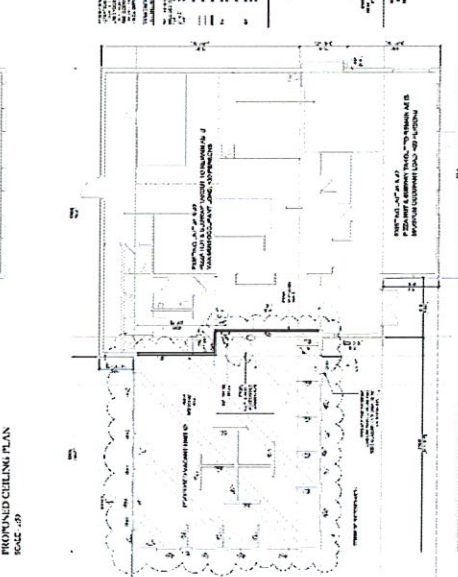
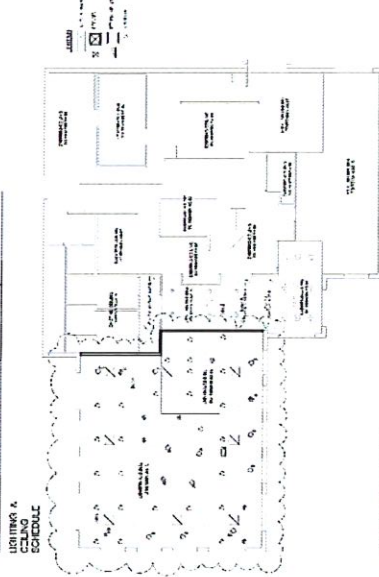
I, Marie Elmsley, Secretary/Treasurer of the Planning Advisory Committee of the Town of Smiths Falls certify that the above is a true copy of the decision of the Committee of Adjustment with respect to the application recorded therein.

Date of decision this 13th day of November 2025
TOWN OF SMITHS FALLS
77 BECKWITH STREET NORTH
SMITHS FALLS ON K7A 2B8


Marie Elmsley, Secretary/Treasurer
613-283-4124 ext. 1136
melmsely@smithsfalls.ca

MV-25-06 – 107 Lombard Street Architectural Drawing

Item	Description	Quantity	Unit	Notes
1	Excavation	1,000	cu yd	Excavate to existing grade
2	Foundation	1,000	sq ft	Foundation for building
3	Structure	1,000	sq ft	Structure for building
4	Roofing	1,000	sq ft	Roofing for building
5	Interior Finishes	1,000	sq ft	Interior finishes for building
6	Exterior Finishes	1,000	sq ft	Exterior finishes for building
7	Landscaping	1,000	sq ft	Landscaping for building
8	Site Work	1,000	sq ft	Site work for building
9	Utilities	1,000	sq ft	Utilities for building
10	Other	1,000	sq ft	Other for building



MAP PLAN
SCALE: 1"=100'



Item	Description	Quantity	Unit	Notes
1	Excavation	1,000	cu yd	Excavate to existing grade
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PROJECT INFORMATION

PROJECT: 107 LOMBARD STREET
OWNER: SMITHS FALLS REDEVELOPMENT AUTHORITY
ARCHITECT: MATRIX ARCHITECTS, INC.
107 LOMBARD STREET, SMITHS FALLS, VT 05776
PHONE: (802) 253-1234
FAX: (802) 253-1235
WWW.MATRIXARCHITECTS.COM

DATE: 01/15/2015

REVISIONS:

NO.	DATE	DESCRIPTION
1	01/15/2015	ISSUED FOR PERMIT

