

Corporation of the Township of Selwyn

**Committee of Adjustment
Tuesday, June 28, 2022
Committee Meeting**

Present:

(virtually)

Sherry Senis (Chair)
Andy Mitchell (Vice-Chair)
Anita Locke
Gerry Herron
Donna Ballantyne

Staff Present:

(virtually)

Tania Goncalves, Deputy Clerk
Janice Lavalley, C.A.O.
Per Lundberg, Planner
Angela Chittick, Manager of Community and Corporate Services
Robert Kelly, Manager of Building and Planning
Brandie Mocha, Development Approvals Technician
Meaghan Larocque, Communications & Marketing Coordinator

Call To Order

The meeting was called to order by Committee Chair Sherry Senis at 5:30 p.m.

Declaration of Pecuniary Interest

None.

Deputations and/or Invited Persons and/or Public Meeting

None.

Minor Variance Applications and Staff Reports

In accordance with Section 44.(8) of The Planning Act, the Committee appointed Brandie Mocha as the Secretary-Treasurer of the Committee of Adjustment.

Resolution No. CA-16-22 – Appointment of Secretary-Treasurer

Committee Member Anita Locke - Committee Member Donna Ballantyne

That in accordance with section 44.(8) of The Planning Act, the Committee hereby appoints Brandie Mocha as the Secretary-Treasurer of the Committee of Adjustment.

Carried.

Ms. Mocha announced that the Committee of Adjustment is holding a public hearing in accordance with Section 45 of The Planning Act, R.S.O. 1990 as amended, to consider applications for relief from By-law 2009-021, being the Comprehensive Zoning By-law for the Township of Selwyn.

The Committee was advised that the prescribed notices of the public meetings were provided by prepaid first-class mail to all residents within a 60-metre radius of the subject properties. Ministries and agencies were circulated via email. The subject properties were posted with a sign advertising the public hearings. The notices were also available on the Township's website. The notice circulation complies with the requirements of the Planning Act.

a) File No.: A-03-22

Owner: John Render

Agent: Nate Baldwin

Address: 1463 Shannon Drive – Ennismore

John Render made application to the Committee for the following:

The application requires relief from the provisions of Zoning By-law No. 2009-021, as amended, in order to permit the construction of a 560 ft² (52 m²) open deck, as follows:

1. With reference to Section 3.15 – High Water Mark Setback Provisions - to reduce the minimum high-water setback from 30 metres to ± 20.8 metres to the open deck.
2. With reference to Section 4.13.3(xi) – Lakeshore Residential (LR) Zone Regulations of the Township of Selwyn Zoning By-law No. 2009-021, as amended, to increase the maximum lot coverage of all buildings and structures from 20% to 23.4%.

Ms. Mocha provided a summary of the planning report as it related to the proposed variance. The agent, Nate Baldwin, was present in support of the application. Ms. Mocha advised an Archeological Assessment is not recommended. Kawartha Pine Ridge District School Board had no concerns with the application. Otonabee Region Conservation Authority had no concerns with the application, but advised that the site plan is to be revised to show the correct floodplain elevation of 246.82 masl. No further comments were received in support or in opposition of the application.

Decision

That the report of the Planner regarding Minor Variance Application No. A-03-22 related to lands described as being Part Lot 8, Con. 9 (1463 Shannon Drive) in the Ennismore Ward be received for information; and

That Minor Variance Application No. A-03-22 related to lands described as being Part Lot 8 Con. 9 (1463 Shannon Drive) in the Ennismore Ward be approved as follows:

1. With reference to Section 3.15 – High Water Mark Setback Provisions - to reduce the minimum high-water setback from 30 metres to ± 20.8 metres to the open deck.
2. With reference to Section 4.13.3(xi) – Lakeshore Residential (LR) Zone Regulations of the Township of Selwyn Zoning By-law No. 2009-021, as amended, to increase the maximum lot coverage of all buildings and structures from 20% to 23.4%.

Conditions

1. That the applicant(s) obtain the necessary building permit, which will be available following the twenty-day appeal period, for the proposed construction.
2. That the development be substantially in accordance with the sketch submitted with the application (any future development must comply with the applicable provisions of the by-law).
3. That the applicant provide the Township with a survey / surveyors report completed by an Ontario Licensed Land Survey or at the foundation stage of construction.
4. That the applicant(s) be required to obtain approval from Peterborough Public Health.
5. That the applicant be required to submit a landscaping plan designed to establish, or increase the extent and width of, a vegetation protection zone along the shoreline to a minimum of 30 metres in order to be consistent with Section 2.1 of the Provincial Policy Statement and Section 4.2.4.5 b) and c) of the Growth Plan for the Greater Golden Horseshoe. Further, that the site plan for the proposal be revised to show the correct floodplain elevation of 246.82 masl.

Reasons for Decision

It is the Committee’s opinion that the requested variances are desirable for the appropriate development or use of land, building or structure, maintains the general intent and purpose of the Official Plan and Zoning By-law and that the variances are minor in nature.

- b) File No.: A-25-22**
Owner: Lynn & Wayne Coombes
Agent: Tina Clancy
Address: 292 Patricia Crescent - Smith

Lynn & Wayne Coombes made application to the Committee for the following:

The application seeks relief from the provisions of Zoning By-law No. 2009-021, as amended, in order to permit the conversion of an existing 976.87 ft² (±90.8 m²) detached accessory building for use as a Secondary Unit, as follows:

1. With reference to Section 3.42(g)(vi) – Secondary Dwelling Units - to increase the maximum footprint area of the second unit from 40% to 77.5% of the principal dwelling footprint area.

Ms. Mocha provided a summary of the planning report as it related to the proposed variance. The agent, Tina Clancy, was present in support of the application. Ms. Mocha advised an Archeological Assessment is not recommended. Kawartha Pine Ridge District School Board and the Otonabee Region Conservation Authority had no concerns with the application. Community members Jim & Cathy Wyatt submitted a comment of no objection to the application. No further comments were received in support or in opposition of the application.

Decision

That the report of the Planner regarding Minor Variance Application No. A-25-22 related to lands described as being Part Lot 11, Con. 2 (292 Patricia Cr.) in the Smith Ward be received for information; and

That Minor Variance Application No. A-25-22 related to lands described as being Part Lot 11 Con. 2 (292 Patricia Cr.) in the Smith Ward be approved as follows:

1. With reference to Section 3.42(g)(vi) – Secondary Dwelling Units - to increase the maximum footprint area of the second unit from 40% to 77.5% of the principal dwelling footprint area.

Conditions

1. That the applicant(s) obtain the necessary building permit, which will be available following the twenty-day appeal period, for the proposed construction.
2. That the development be substantially in accordance with the sketch submitted with the application (any future development must comply with the applicable provisions of the by-law).
3. That the applicant(s) be required to obtain approval from Peterborough Public Health.

Reasons for Decision

It is the Committee’s opinion that the requested variance is desirable for the appropriate development or use of land, building or structure, maintains the general intent and purpose of the Official Plan and Zoning By-law and that the variance is minor in nature.

c) File No.: A-26-22
Owner: Todd & Jennifer Lawson
Agent: N/A
Address: 674 Edmison Road - Smith

Todd & Jennifer Lawson made application to the Committee for the following:

The application seeks relief from the provisions of Zoning By-law No. 2009-021, as amended, in order to permit the construction of a new 2,840 ft² (263.8 m²) detached garage, as follows:

1. With reference to Section 3.1.4 – Lot Coverage and Height - to increase the maximum height of a detached garage from 4 metres to 5.2 metres.

Ms. Mocha provided a summary of the planning report as it related to the proposed variance. No one was present in support or in opposition of the application. Ms. Mocha advised an Archeological Assessment is warranted. Kawartha Pine Ridge District School Board and the Otonabee Region Conservation Authority had no concerns with the application. No further comments were received in support or in opposition of the application.

Decision

That the report of the Planner regarding Minor Variance Application No. A-26-22 related to lands described as being Part Lot 3, Con. 9 (674 Edmison Road) in the Smith Ward be received for information; and

That Minor Variance Application No. A-26-22 related to lands described as being Part Lot 3 Con. 9 (674 Edmison) in the Smith Ward be approved as follows:

1. With reference to Section 3.1.4 – Lot Coverage and Height - to increase the maximum height of a detached garage from 4 metres to 5.2 metres.

Conditions

1. That the applicant(s) obtain the necessary building permit, which will be available following the twenty-day appeal period, for the proposed construction.
2. That the development be substantially in accordance with the sketch submitted with the application (any future development must comply with the applicable provisions of the by-law).
3. That the applicant provide the Township with a survey / surveyors report completed by an Ontario Licensed Land Survey or at the foundation stage of construction.
4. That the applicant(s) be required to obtain approval from Peterborough Public Health.
5. That if there is to be any soil disturbance or excavation, that the applicant be required to complete an archaeological assessment of the project area prior to excavation, which is to be provided to the Township and forwarded to Curve Lake First Nation for comment; and that the applicant be required to have a Curve Lake First Nation Liaison on-site for the archaeological assessment.

Reasons for Decision

It is the Committee's opinion that the requested variance is desirable for the appropriate development or use of land, building or structure, maintains the general intent and purpose of the Official Plan and Zoning By-law and that the variance is minor in nature.

d) File No.: A-28-22
Owner: Jaime Nobes
Agent: N/A
Address: 202 Fiddler's Green Lane – Smith

Jaime Nobes made application to the Committee for the following:

The application seeks relief from the provisions of Zoning By-law No. 2009-021, as amended, in order to permit the re-development of the subject property with a new 2255.45 ft² (209.5 m²) dwelling (including front verandah, rear covered deck, and attached garage) as well as a 96.43 ft² (8.96 m²) open deck, as follows:

1. With reference to Section 3.15 – High Water Mark Setback Provisions - to reduce the minimum high-water setback from 30 metres to 11.89 metres to an open deck attached to a new dwelling.
2. With reference to Section 3.15 – High Water Mark Setback Provisions - to reduce the minimum high-water setback from 30 metres to 13.5 metres to a dwelling.
3. With reference to Section 4.13.2(xi) – Lakeshore Residential (LR) Zone Regulations - to increase the maximum lot coverage (all buildings and structures) from 20% to 21%.

Ms. Mocha provided a summary of the planning report as it related to the proposed variance. The agent, Jane Humphries, was present in support of the application. Ms. Mocha advised an Archeological Assessment is warranted. Kawartha Pine Ridge District School Board had no concerns with the application. Otonabee Region Conservation Authority had no concerns with the application, however recommended a planting plan, as well as that sedimentation and erosion control measures be implemented. Parks Canada – Trent-Severn Waterway provided comments of no outstanding Federal Crown title issues for the subject lands with respect to the fill land present on the property. No further comments were received in support or in opposition of the application.

Decision

That the report of the Planner regarding Minor Variance Application No. A-28-22 related to lands described as being Part Lot 3, Con. 5 (202 Fiddler's Green Lane) in the Smith Ward be received for information; and

That Minor Variance Application No. A-28-22 related to lands described as being Part Lot 3 Con. 5 (202 Fiddler's Green Lane) in the Smith Ward be approved as follows:

1. With reference to Section 3.15 – High Water Mark Setback Provisions - to reduce the minimum high-water setback from 30 metres to 11.89 metres to an open deck attached to a new dwelling.
2. With reference to Section 3.15 – High Water Mark Setback Provisions - to reduce the minimum high-water setback from 30 metres to 13.5 metres to a dwelling.
3. With reference to Section 4.13.2(xi) – Lakeshore Residential (LR) Zone Regulations - to increase the maximum lot coverage (all buildings and structures) from 20% to 21%.

Conditions

1. That the applicant(s) obtain the necessary building permit, which will be available following the twenty-day appeal period, for the proposed construction.
2. That the development be substantially in accordance with the sketch submitted with the application (any future development must comply with the applicable provisions of the by-law).

3. That the applicant provide the Township with a survey / surveyors report completed by an Ontario Licensed Land Survey or at the foundation stage of construction.
4. That the applicant(s) be required to obtain approval from Peterborough Public Health.
5. That the applicant(s) be required to obtain approval from the Otonabee Region Conservation Authority. Further, that the applicant be required to submit a landscaping plan designed to establish, or increase the extent and width of, a vegetation protection zone along the shoreline to a minimum of 30 metres in order to be consistent with Section 2.1 of the Provincial Policy Statement and Section 4.2.4.5 b) and c) of the Growth Plan for the Greater Golden Horseshoe.
6. That if there is to be any soil disturbance or excavation, that the applicant be required to complete an archaeological assessment of the project area prior to excavation, which is to be provided to the Township and forwarded to Curve Lake First Nation for comment; and that the applicant be required to have a Curve Lake First Nation Liaison on-site for the archaeological assessment.

Reasons for Decision

It is the Committee's opinion that the requested variances are desirable for the appropriate development or use of land, building or structure, maintains the general intent and purpose of the Official Plan and Zoning By-law and that the variances are minor in nature.

e) File No.: A-29-22
Owner: Robert & Colleen Christensen
Agent: Ash Walker
Address: 1592 Fire Route 6 – Smith

Robert & Colleen Christensen made application to the Committee for the following: The application seeks relief from the provisions of Zoning By-law No. 2009-021, as amended, in order to permit a newly constructed 836.35 ft² (77.7 m²) open deck, as follows:

1. With reference to Section 3.15 – High Water Mark Setback Provisions - to reduce the minimum high-water setback from 30 metres to 12.8 metres to an open deck attached to the principal dwelling.

Ms. Mocha provided a summary of the planning report as it related to the proposed variance. The owner, Robert Christensen, was present in support of the application. Ms. Mocha advised an Archeological Assessment is not recommended. Kawartha Pine Ridge District School Board had no concerns with the application. Otonabee Region Conservation Authority had no concerns with the application, however advised that a planting plan and a compliance permit are required. Six (6) neighbours (Chris Kallinis, Pooneh Ghodrat, Matthew J. Magee, Remy Peeters, Allan Zacher, and Michael Sitko) submitted comments in support of this minor variance application. No further comments were received in support or in opposition of the application.

Decision

That the report of the Planner regarding Minor Variance Application No. A-29-22 related to lands described as being Part Lot 16, Con. 9 (1592 Fire Route 6) in the Smith Ward be received for information; and

That Minor Variance Application No. A-29-22 related to lands described as being Part Lot 16 Con. 9 (1592 Fire Route 6) in the Smith Ward be approved as follows:

1. With reference to Section 3.15 – High Water Mark Setback Provisions - to reduce the minimum high-water setback from 30 metres to 12.8 metres to an open deck attached to the principal dwelling.

Conditions

1. That the applicant(s) obtain the necessary building permit, which will be available following the twenty-day appeal period, for the proposed construction.
2. That the development be substantially in accordance with the sketch submitted with the application (any future development must comply with the applicable provisions of the by-law).
3. That the applicant provide the Township with a survey / surveyors report completed by an Ontario Licensed Land Survey or at the foundation stage of construction.
4. That the applicant(s) be required to obtain approval from Peterborough Public Health.
5. That the applicant(s) be required to obtain approval from the Otonabee Region Conservation Authority. Further, that the applicant be required to submit a planting plan designed to establish, or increase the extent and width of, a vegetation protection zone along the shoreline to a minimum of 30 metres in order to be consistent with Section 2.1 of the Provincial Policy Statement and Section 4.2.4.5 b) and c) of the Growth Plan for the Greater Golden Horseshoe.

Reasons for Decision

It is the Committee's opinion that the requested variance is desirable for the appropriate development or use of land, building or structure, maintains the general intent and purpose of the Official Plan and Zoning By-law and that the variance is minor in nature.

Resolution No. CA-17-22

Committee Member Donna Ballantyne – Committee Member Anita Locke –
That Minor Variances A-03-22, A-25-22, A-26-22, A-28-22, and A-29-22 be approved in accordance with all of the conditions noted therein.

Carried.

Deferred Matters & New Business

None.

Information

None.

Minutes

Resolution No. CA-18-22 – Minutes

Vice-Chair Andy Mitchell – Committee Member Anita Locke –
That the minutes of the May 24, 2022 meeting No.05-22 be adopted.

Carried.


Adjournment

Resolution No. CA-19-22 - Adjournment

Committee Member Gerry Herron – Committee Member Anita Locke
That the meeting be adjourned at 5:49 p.m.

Carried.

The next Committee of Adjustment meeting will be scheduled for July 12, 2022.



Brandie Mocha, Secretary-Treasurer