

Corporation of the Township of Selwyn

**Committee of Adjustment
Tuesday, July 12, 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
 Michelle Thornton, Deputy Treasurer / I.T. Coordinator

Call To Order

The meeting was called to order by Committee Chair Sherry Senis at 5:40 p.m.

Declaration of Pecuniary Interest

None.

Deputations and/or Invited Persons and/or Public Meeting

None.

Minor Variance Applications and Staff Reports

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-30-22

Owner: Tim Pritchard
Agent: Lindsey Bruce
Address: 19 Edgewater Drive – Ennismore Ward

Tim Pritchard 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 new 2,361.6 ft² (219.4 m²) residential dwelling, 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 17.9 metres to a dwelling.

2. With reference to Section 4.13.3(v) – Lakeshore Residential Zone Regulations – to reduce the minimum required front yard setback from 7.5 metres to 3.14 metres from a right-of-way to a dwelling.

Ms. Mocha provided a summary of the planning report as it related to the proposed variance. The agent, Joel Tanner, was present in support of the application. Ms. Mocha advised an archeological assessment is warranted. Curve Lake First Nation requires that an archaeological assessment be completed. Kawartha Pine Ridge District School Board had no concerns with the application. Otonabee Region Conservation Authority recommended that the applicant establish a 30-metre vegetation protection zone, implement sedimentation and erosion control measures during construction, and advised that an ORCA permit will be required. 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-30-22 related to lands described as being Part Lot 13, Con. 8 (19 Edgewater Drive) in the Ennismore Ward be received for information; and

That Minor Variance Application No. A-30-22 related to lands described as being Part Lot 13 Con. 8 (19 Edgewater 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 17.9 metres to a dwelling.
2. With reference to Section 4.13.3(v) – Lakeshore Residential Zone Regulations – to reduce the minimum required front yard setback from 7.5 metres to 3.14 metres from a right-of-way to a dwelling.

Conditions

1. That the applicant(s) obtain the necessary building permit, 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 Surveyor 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 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. Lastly, that sedimentation and erosion control be implemented, where appropriate, prior to, during and after construction until all unstable soil is vegetated.
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, maintain 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-31-22
Owner: Gord McFarland
Agent: Brendan Curry
Address: 2466 Craft Point Lane – Smith Ward

Gord McFarland 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 $\pm 192 \text{ ft}^2$ ($\pm 17.9 \text{ m}^2$) dwelling addition 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 12.2 metres to an existing dwelling.

Ms. Mocha provided a summary of the planning report as it related to the proposed variance. No one was present in support or opposition of the application. Ms. Mocha advised an archeological assessment is warranted. Curve Lake First Nation requires that an archaeological assessment be completed. Kawartha Pine Ridge District School Board had no concerns with the application. Otonabee Region Conservation Authority advised that a topographic survey, a planting plan, and an ORCA permit will be required. 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-31-22 related to lands described as being Part Lot 33, Con. 18 (2466 Craft Point Lane) in the Smith Ward be received for information; and

That Minor Variance Application No. A-31-22 related to lands described as being Part Lot 33 Con. 18 (2466 Craft Point 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 12.2 metres to a dwelling.

Conditions

1. That the applicant(s) obtain the necessary building permit, 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 Surveyor 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 including the submission of a topographic survey to demonstrate that the proposed development is located outside of the flooding hazard. 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.

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 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-27-22**
Owner: Tim & Leslie Keating
Agent: Krista Vanderham
Address: 902 Fire Route 4 – Smith Ward

Tim & Leslie Keating 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 ±4202.7 ft² (±390.44 m²) two storey residential dwelling including a covered front porch (±18.75 m²), rear open deck (±30.6 m²) and rear covered deck (±46.33 m²), 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 14.7 metres to an open deck attached to a dwelling.
2. With reference to Section 3.15 – High Water Mark Setback Provisions - to reduce the minimum high-water setback from 30 metres to 15.4 metres to a new dwelling.
3. With reference to Section 4.13.3(v) – Lakeshore Residential Zone Regulations – to reduce the minimum required front yard setback from 7.5 metres to 2.02 metres to a dwelling.
4. With reference to Section 4.13.3(vii) – Lakeshore Residential Zone Regulations – to reduce the minimum required side yard setback from 3 metres to 1.2 metres to a dwelling.
5. With reference to Section 4.13.3(xi) – Lakeshore Residential Zone Regulations – to increase the maximum total lot coverage from 20% to 28.1%.

Ms. Mocha provided a summary of the planning report as it related to the proposed variance. The agent, Krista Vanderham, and the owners Tim & Leslie Keating were present in support of the application. Ms. Mocha advised an archeological assessment is warranted. Curve Lake First Nation requires that an archaeological assessment be completed. Otonabee Region Conservation Authority recommended that the applicant establish a 30-metre vegetative buffer, implement sedimentation and erosion controls during construction, and advised that an ORCA permit will be required. Kawartha Pine Ridge District School Board had no concerns with the application. Richard Taylor, B.A., LL.B submitted comment on behalf of the neighbours of 898 Tindle Bay Road, which abuts the south side of the subject property, expressing concern over the proposed well location.

Krista Vanderham commented that she spoke with the proposed well driller, Bill Burgess, and will relocate the proposed well in order to avoid the septic system of the neighbouring property.

In addition to concerns about the location of the proposed well, which must have a minimum 48 ft distance between the well and septic system, Richard Taylor expressed further concerns with the proposed development. Concerns expressed were in reference to the size of the proposed development in proportion to the small lot, the significant reduction in setbacks, and deviation from the zone permissions. Mr. Taylor requested a smaller sized development for the lot, as the size of the proposed development needs to be proportionate to the size of the lot.

Per Lundberg, Planner, commented regarding the non-conformity with lot coverage, advising that the property is considered legal non-conforming in terms of lot size, and is an existing lot of record within the existing zoning By-law. In reference to the maximum lot coverage increasing from 20% to the requested 28.1%, the purpose of the application is to grant a variance, and it is the Committee of Adjustment that makes the decision to approve or oppose. Mr. Lundberg supports the proposed increase in lot coverage. The current existing dwelling is legal non-conforming in terms of the shoreland development policies. The existing setbacks to waterfront are not being increased to accommodate the proposed development, and Mr. Lundberg finds that the application is in conformity with Zoning By-law and Official Plan regulations. Mr. Lundberg finds that the proposed development, in respect of applicable planning policies, including the compatibility and proportionality to the lot size conforms with Official Plan and Zoning By-law.

Ms. Vanderham commented that the applicants want to be good neighbours. The proposed lot coverage is largely comprised of a combination of covered porches attached to the dwelling. She also noted that the current bunkie is being removed. The proposed development will not be encroaching any closer to the current highwater setback than that of the existing dwelling. She reiterated that the well would be re-located to ensure proper set-backs to existing/proposed setbacks.

Committee Member Donna Ballantyne suggested this application be deferred until the proposed size and location of the well is determined. She also expressed concern that the new structure does not conform with the neighbourhood aesthetic.

Committee Member Anita Locke agreed that deferring the application may be ideal, given the concerns noted.

Committee Member Gerry Herron requested clarification from Mr. Lundberg as to whether he had ever encountered a development where a well had ever been approved without being in accordance with regulations. Mr. Lundberg advised that the location of the well lies with the well driller who will need install the well in a location which is in compliance with applicable regulations.

Ms. Vanderham added that the current dwelling does not have a well, it draws water from the lake, and the existing septic system is being removed. The proposed development includes a new well and septic system.

Mr. Taylor noted that his clients also want to be good neighbours, however they have concerns with the proposed increase in lot coverage noting that they feel it is not minor in nature. His clients are requesting the proposal be re-designed to be more modest in size to that proposed in this application.

Committee Member Donna Ballantyne recommended adding a condition requiring a revised site plan in order to ensure that the well will be located in accordance with the required setbacks to the adjacent septic systems.

Decision

That the report of the Planner regarding Minor Variance Application No. A-27-22 related to lands described as being Part Lot 6, Con. 5 (902 Fire Route 4) in the Smith Ward be received for information; and

That Minor Variance Application No. A-27-22 related to lands described as being Part Lot 6 Con. 5 (902 Fire Route 4) 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 14.7 metres to an open deck attached to a dwelling.
2. With reference to Section 3.15 – High Water Mark Setback Provisions - to reduce the minimum high-water setback from 30 metres to 15.4 metres to a new dwelling.
3. With reference to Section 4.13.3(v) – Lakeshore Residential Zone Regulations – to reduce the minimum required front yard setback from 7.5 metres to 2.02 metres to a dwelling.
4. With reference to Section 4.13.3(vii) – Lakeshore Residential Zone Regulations – to reduce the minimum required side yard setback from 3 metres to 1.2 metres to a dwelling.
5. With reference to Section 4.13.3(xi) – Lakeshore Residential Zone Regulations – to increase the maximum total lot coverage from 20% to 28.1%.

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 Surveyor 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 is recommended 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. Finally, that sedimentation and erosion control be implemented, where appropriate, prior to, during and after construction until all unstable soil is vegetated.
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.
7. That the site plan for the proposal be revised to show a location for the proposed well on the subject property that complies with all applicable setbacks including setbacks from septic systems on neighbouring properties.

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, maintain the general intent and purpose of the Official Plan and Zoning By-law and that the variances are minor in nature.

Resolution No. CA-21-22

Committee Member Gerry Herron – Vice-Chair Andy Mitchell –

That Minor Variances A-30-22, A-31-22, and A-27-22 be approved in accordance with all of the conditions noted therein.

Carried.

Note: Committee Member Locke was not in favour of application A-27-22

Deferred Matters & New Business

None.

Information

None.

Minutes

Resolution No. CA-22-22 – Minutes

Committee Member Anita Locke – Committee Member Donna Ballantyne –
That the minutes of the June 28, 2022 meeting No.06-22 be adopted.

Carried.

Adjournment

Resolution No. CA-22-22 - Adjournment

Vice-Chair Andy Mitchell – Committee Member Anita Locke
That the meeting be adjourned at 6:17 p.m.

Carried.

The next Committee of Adjustment meeting will be scheduled for August 9, 2022.

Brandie Mocha, Secretary-Treasurer