

Corporation of the Township of Selwyn

**Committee of Adjustment
Tuesday, August 9, 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

Call To Order

The meeting was called to order by Committee Chair Sherry Senis at 5:00 p.m.

Declaration of Pecuniary Interest

None.

Deputations and/or Invited Persons and/or Public Meeting

None.

Minor Variance Applications and Staff Reports

Mr. Lundberg 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-32-22
Owner: John & Sharon McKenzie
Agent: N/A
Address: 807 Kimberly Drive

John & Sharon McKenzie 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 384 ft² (35.7 m²) deck as follows:

1. With reference to Section 4.12.3 (iv) – Front Yard (Minimum) setback - to reduce the minimum front yard setback from 15 metres to 12.5 metres to a deck.

2. With reference to Section 3.34 – Planned Width of Road – to reduce the setback from the centre line of a Township Road from 25 metres to 22.5 metres

Mr. Lundberg provided a summary of the planning report as it related to the proposed variance. The owners, John & Sharon McKenzie were present in support of the application. Otonabee Region Conservation Authority, Kawartha Pine Ridge District School Board, and Peterborough Public Health all submitted comments of no concerns with the application. Curve Lake First Nation requires that an archaeological assessment be completed. Letters of support were received from Glenn & Kathleen Bourne, John & Joanne Brown, Rob Woods & Lori Carlton, and Sean McMahon. Mr. Lundberg advised that since the deck has already been constructed an archeological assessment is not warranted. Mr. & Mrs. McKenzie commented that they did not willingly construct the deck without proper approval. They had hired a private contractor to do the work who advised that permits were not required so long as the deck was not attached to the house. Had they known that permits were required, they would have applied for one prior to construction, and subsequently, had they known what they know now, they would not have built the deck. They expressed thanks for the support of their neighbours. 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-32-22 related to lands described as being Part Lot 11, Con. 7 (807 Kimberly Drive) in the Ennismore Ward be received for information; and

That Minor Variance Application No. A-32-22 related to lands described as being Part Lot 11 Con. 7 (807 Kimberly Drive) in the Ennismore Ward be approved as follows:

1. With reference to Section 4.12.3 (iv) – Front Yard (Minimum) setback - to reduce the minimum front yard setback from 15 metres to 12.5 metres to a deck.
2. With reference to Section 3.34 – Planned Width of Road – to reduce the setback from the centre line of a Township Road from 25 metres to 22.5 metres

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).

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-33-22
Owner: James Reid & Patricia Lovett-Reid
Agent: Tim deBoer
Address: 966 Nicholl's Blvd.

James Reid & Patricia Lovett-Reid 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 179.8 ft² (16.7 m²) boathouse as follows:

1. 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%.

Mr. Lundberg provided a summary of the planning report as it related to the proposed variance. The agent's representative, Vanessa Archer, was present in support of the application. Otonabee Region Conservation Authority recommends a planting plan and advised that an ORCA permit will be required. Curve Lake First Nation requires that an archaeological assessment be completed. Kawartha Pine Ridge District School Board and Peterborough Public Health had no concerns with the application. Mr. Lundberg advised that a previous minor variance application, No. A-13-19, was filed for this property, and an archeological assessment was performed. There were no resources found during that assessment, and as such, there is no additional requirement to have an archeological assessment performed for this application. Ms. Archer advised that they will work with ORCA in regards to the planting plan and that they do already have a permit with ORCA for the shoreline work. 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-33-22 related to lands described as being Part Lot 12, Con. 7 (966 Nicholl's Blvd.) in the Smith Ward be received for information; and

That Minor Variance Application No. A-33-22 related to lands described as being Part Lot 12 Con. 7 (966 Nicholl's Blvd.) in the Smith Ward be approved as follows:

1. 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%.

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 the Otonabee Region Conservation Authority (ORCA). 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.

c) File No.: A-34-22
Owner: Congregation of the Most Holy Redeemer
Agent: Tim deBoer
Address: 819 Sidney Drive

The Congregation of the Most Holy Redeemer 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 1,453.13 ft² (135 m²) 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 14.1 metres to a dwelling.

Mr. Lundberg provided a summary of the planning report as it related to the proposed variance. The agent's representative, Vanessa Archer, and the owner, Santo Arrigo, were present in support of the application. Otonabee Region Conservation Authority advised that a planting plan is requested, and that sedimentation and erosion controls need to be installed prior to, during, and after construction until soil is stabilized, and that ORCA permits will be required. Curve Lake First Nation requires that an archaeological assessment be completed. Kawartha Pine Ridge District School Board had no concerns with the application. Peterborough Public Health advised that an application for a new sewage system will be required. Mr. Lundberg advised that an archeological assessment is warranted given the proposed expansion is beyond the existing footprint area of the existing dwelling. Ms. Archer advised that they will work with Curve Lake First Nation's request for the archeological assessment. The planting plan was already provided to ORCA. Pauline McGrath, a neighbour, was present and in support of the application. Committee Member, Anita Locke, asked to clarify whether there is an existing building on the lot, or whether the lot is currently vacant. Mr. Lundberg advised that there is currently a building on the lot, which will be expanded upon. 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-34-22 related to lands described as being Part Lot 11, Con. 4 (819 Sidney Drive) in the Ennismore Ward be received for information; and

That Minor Variance Application No. A-34-22 related to lands described as being Part Lot 11 Con. 4 (819 Sidney 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 14.1 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 (ORCA). 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. Lastly, that sedimentation and erosion controls be installed prior to, during and after construction until all soil is stabilized.
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.

d) File No.: A-35-22
Owner: Yvonne Sciavilla
Agent: Holly Richards-Conley
Address: 3314 Buckhorn Road

Yvonne Sciavilla 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 new 864.3 ft² (80.3 m²) sunroom, covered porch, and covered deck additions 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 26.2 metres to a sunroom addition
2. With reference to Section 3.15 – High Water Mark Setback Provisions - to reduce the minimum high-water setback from 30 metres to 25.7 metres to an existing dwelling to permit a covered porch and covered deck additions on the northerly side of the existing dwelling.

Mr. Lundberg provided a summary of the planning report as it related to the proposed variance. The agent, Holly Richards-Conley, was present in support of the application. The Otonabee Region Conservation Authority recommends a planting plan and advised that ORCA permits will not be required. Curve Lake First Nation requires that an archaeological assessment be completed. Kawartha Pine Ridge District School Board had no concerns with the application. Peterborough Public Health advised that a sewage system application is required. Mr. Lundberg advised that an archeological assessment is warranted given that the proposed expansion is beyond the existing footprint area of the existing dwelling. Ms. Richards-Conley advised that an archaeological assessment is planned to be completed and clarified that the 25.7 metre highwater mark setback is for an addition to the 2nd storey of the dwelling, so there are no changes to the footprint on that side of the structure. 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-34-22 related to lands described as being Part Lot 27, Con. 18 (3314 Buckhorn Road) in the Smith Ward be received for information; and

That Minor Variance Application No. A-35-22 related to lands described as being Part Lot 27 Con. 18 (3314 Buckhorn Road) 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 26.2 metres to a sunroom addition
2. With reference to Section 3.15 – High Water Mark Setback Provisions - to reduce the minimum high-water setback from 30 metres to 25.7 metres to an existing dwelling to permit a covered porch and covered deck additions on the northerly side of the existing 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 be required to submit a planting plan to the satisfaction of the Otonabee Region Conservation Authority (ORCA) 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, maintain 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-37-22
Owner: Chasley & Joshua Keeper
Agent: Holly Richards-Conley
Address: 1786 Young's Point Road

Chasley & Joshua Keeper 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 2,364 ft² (219.6 m²) non-residential structure, being a wine tasting lounge including; a 1008 ft² (93.6 m²) lounge, 672 ft² (62.4 m²) bathroom and storage area, 180 ft² (16.7 m²) covered entry, and a 504 ft² (46.8 m²) open slab sitting area as follows:

1. With reference to Section 4.8.4 (vi) – Rural Zone Regulations – to reduce the interior side yard setback from 30 metres to 9.1 metres.
2. With reference to Section 4.8.4(vi) - Rural Zone Regulations – and 4.5.2(a) – Multiple Zones - to reduce the interior side yard setback from 30 metres to 0 metres from a zone boundary.

Mr. Lundberg provided a summary of the planning report as it related to the proposed variance. The agent, Holly Richards-Conley, was present in support of the application. Otonabee Region Conservation Authority and Kawartha Pine Ridge District School Board had no concerns with the application. Curve Lake First Nation requires that an archaeological assessment be completed. Peterborough Public Health advised that an application to construct a sewage system is required. Peterborough County Public Works submitted comments requiring changes to the Traffic Impact Study submitted in support of this application and indicated that the entrance to the property must be paved within the County's road allowance. Mr. Lundberg advised that an archeological assessment has been completed, and a preliminary letter from the Archeologist dated June 17, 2022, stated that through Stage 1 and 2 archaeological assessments no artifacts were found. 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-37-22 related to lands described as being Part Lot 31, Con. 10 (1786 Young's Point Road) in the Smith Ward be received for information; and

That Minor Variance Application No. A-37-22 related to lands described as being Part Lot 31, Con. 10 (1786 Young's Point Road) in the Smith Ward be approved as follows:

1. With reference to Section 4.8.4 (vi) – Rural Zone Regulations – to reduce the interior side yard setback from 30 metres to 9.1 metres.
2. With reference to Section 4.8.4(vi) - Rural Zone Regulations – and 4.5.2(a) – Multiple Zones - to reduce the interior side yard setback from 30 metres to 0 metres from a zone boundary.

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 County of Peterborough Public Works Department including paving of the entrance to

the subject lands within the County's road allowance to the satisfaction of the County of Peterborough Public Works Department. Further that the Traffic Impact Study submitted in support of this minor variance application be revised in accordance with comments received from the County of Peterborough Public Works Department dated August 8, 2022.

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.

f) File No.: A-39-22
Owner: Ahmad Badshaw
Agent: Holly Richards-Conley
Address: 2174 Cedarwood Lane

Ahmad Badshaw 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 798 ft² (74.2 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 5.72 metres.

Mr. Lundberg provided a summary of the planning report as it related to the proposed variance. The agent, Holly Richards-Conley was present in support of the application. 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 the lands may be considered a candidate significant woodland. As such, ORCA recommends that the applicant move the garage closer to Cedarwood Lane, in compliance with Township Zoning regulation, to minimize the impact to the woodland OR provide a site plan showing the minimal amount of clearing required for the garage together with an ecological opinion letter. ORCA also recommended that it be a condition that the applicant obtains any necessary clearance from the Ministry of Environment, Conservation and Parks (MECP) regarding the Endangered Species Act (ESA). ORCA's comments also state that ORCA permits will not be required for this project. Peterborough Public Health advised that an existing sewage system application is required. Mr. Lundberg advised an archeological assessment is warranted given that the new garage will be constructed within 300 m of a waterbody, and on previously undisturbed land. Vice-Chair Andy Mitchell asked for clarification as to what a candidate significant woodland is. Mr. Lundberg advised that this consideration is in reference to the Provincial Policy Statement and the Natural Heritage Reference Manual regarding the criteria that the site may be considered a candidate significant woodland since the County Official Plan has not identified those as being significant woodlands at this time. Therefore, to adhere to the principal of good provincial planning policy, we consider that there is the potential of a significant woodland. 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-39-22 related to lands described as being Part Lot 21, Con. 12 (2174 Cedarwood Lane) in the Smith Ward be received for information; and

That Minor Variance Application No. A-39-22 related to lands described as being Part Lot 21, Con. 12 (2174 Cedarwood Lane) 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 5.72 metres.

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. In accordance with recommendations by the Otonabee Region Conservation Authority (ORCA), that the applicant move the proposed garage closer to Cedarwood Lane, in compliance with Township Zoning regulation, to minimize the impact to the woodland located on the subject lands OR provide a site plan showing the minimal amount of clearing required for the full development together with an ecological opinion letter to the satisfaction of ORCA. Further, that the applicant obtains any necessary clearance from the Ministry of Environment, Conservation and Parks (MECP) regarding the Endangered Species Act (ESA).
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.

g) File No.: A-36-22
 Owner: Jim & Connie Borg
 Agent: Brad Conway
 Address: 1327 Gail Park Drive

Jim & Connie Borg 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 1,514.5 ft² (140.7 m²) dwelling, with a new 510.2 ft² (47.4 m²) open deck as follows:

1. With reference to Section 4.13.3(v) - Lakeshore Residential Zone Regulations – to reduce the front yard setback from 7.5 metres to 5.17 metres.
2. With reference to Section 3.34 – Planned Width of Road – to reduce the minimum required setback from the centre line of public road from 17.5 metres to 15.17 metres.
3. With reference to Section 4.13.3(vii) - Lakeshore Residential Zone Regulations – to reduce the side yard setback from 3 metres to 1.49 metres.

4. With reference to Section 3.15 – High Water Mark Setback Provisions - to reduce the minimum high-water setback from 30 metres to 14.2 metres to a new open deck.
5. 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 new dwelling.

Mr. Lundberg provided a summary of the planning report as it related to the proposed variance. The agent, Brad Conway, and the owner, Jim Borg, were present in support of the application. Otonabee Region Conservation Authority advised that a planting plan is recommended, and sedimentation and erosion controls need to be installed prior to, during, and after construction until soil is stabilized, and that ORCA permits will be required. Curve Lake First Nation requires that an archaeological assessment be completed. Kawartha Pine Ridge District School Board had no concerns with the application. Peterborough Public Health advised that an application to construct a new sewage system is required. Mr. Lundberg advised an archeological assessment is warranted since the proposed construction will be taking place outside of the existing footprint of the existing dwelling. 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-36-22 related to lands described as being Part Lot 15, Con. 8 (1327 Gail Park Drive) in the Ennismore Ward be received for information; and

That Minor Variance Application No. A-36-22 related to lands described as being Part Lot 15, Con. 8 (1327 Gail Park Drive) in the Ennismore Ward be approved as follows:

1. With reference to Section 4.13.3(v) - Lakeshore Residential Zone Regulations – to reduce the front yard setback from 7.5 metres to 5.17 metres.
2. With reference to Section 3.34 – Planned Width of Road – to reduce the minimum required setback from the centre line of public road from 17.5 metres to 15.17 metres.
3. With reference to Section 4.13.3(vii) - Lakeshore Residential Zone Regulations – to reduce the side yard setback from 3 metres to 1.49 metres.
4. With reference to Section 3.15 – High Water Mark Setback Provisions - to reduce the minimum high-water setback from 30 metres to 14.2 metres to a new open deck.
5. 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 new dwelling.
6. With reference to section 4.13.3(xi) - Lakeshore Residential Zone Regulations – to increase the Maximum Lot Coverage (all buildings and structures) – from 20% to 20.4%.

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 (ORCA). 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 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.

h) File No.: A-38-22
Owner: Gary & Cathy Baschuk
Agent: J. Laurie Young
Address: 1674 Greenwood Lane West

Gary & Cathy Baschuk 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 ±1,080 ft² (±100.3 m²) detached garage as follows:

1. With reference to Section 4.13.3 (vi) – Lakeshore Residential Zone Regulations – to reduce the exterior side yard setback from 7.5 metres to 5.26 metres to a detached garage.
2. With reference to Section 3.1.4 – Lot Coverage and Height - to increase the maximum height of a detached garage from 4 metres to 5.0 metres.
3. With reference to Section 3.15 – High Water Mark Setback Provisions - to reduce the minimum high-water setback from 30 metres to 14.14 metres to a detached garage.

Mr. Lundberg provided a summary of the planning report as it related to the proposed variance. The agent, J. Laurie Young, and the owner, Gary & Cathy Baschuk, were present in support of the application. Otonabee Region Conservation Authority advised an ORCA permit will be required in addition to the demolition and lot grading permit currently issued by ORCA. Curve Lake First Nation requires that an archaeological assessment be completed. Kawartha Pine Ridge District School Board had no concerns with the application. Peterborough Public Health advised that an existing sewage system application is required. Mr. Lundberg advised that given the existing fill permit issued by ORCA prior to the minor variance application, for the removal of the garage from the floodplain, there was extensive excavation already at the site, which included the removal of topsoil and grading, as well as the addition of rip-rap stone being put in place. Since the site is ready for concrete casting, an archeological assessment is not warranted given no further soil disturbance will be taking place. 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-38-22 related to lands described as being Part Lot 22, Con. 17 (1674 Greenwood Lane West) in the Smith Ward be received for information; and

That Minor Variance Application No. A-38-22 related to lands described as being Part Lot 22, Con. 17 (1674 Greenwood Lane West) in the Smith Ward be approved as follows:

1. With reference to Section 4.13.3 (vi) – Lakeshore Residential Zone Regulations – to reduce the exterior side yard setback from 7.5 metres to 5.26 metres to a detached garage.
2. With reference to Section 3.1.4 – Lot Coverage and Height - to increase the maximum height of a detached garage from 4 metres to 5.0 metres.
3. With reference to Section 3.15 – High Water Mark Setback Provisions - to reduce the minimum high-water setback from 30 metres to 14.14 metres to a detached garage.

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 (ORCA). 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 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.

i) **File No.:** A-40-22
Owner: Coreen Lawton
Agent: Kirk Elliott
Address: 2142 Fire Route 20

Coreen Lawton 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 664 ft² (61.7 m²) addition to a dwelling as follows:

1. With reference to Section 4.13.3 (vii) – Lakeshore Residential Zone Regulations – to reduce the side yard setback from 3 metres to 2.3 metres 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 7.5 metres to a dwelling.

Mr. Lundberg provided a summary of the planning report as it related to the proposed variance. The agent, Kirk Elliott, and the owner, Coreen Lawton, were present in support of the application. Otonabee Region Conservation Authority advised that ORCA permits will be required, as well as a planting plan. Curve Lake First Nation requires that an archaeological assessment be completed. Kawartha Pine Ridge District School Board had no concerns with the application. Peterborough Public Health advised that an existing sewage system application is required. Mr. Lundberg advised an archeological assessment is warranted given that portions of this addition will be taking place outside the existing footprint area of the existing dwelling. Ms. Lawton questioned the requirement for the archeological assessment given that the construction will be taking place on pure bedrock, where there will not be any soil disturbances. Mr. Lundberg advised the condition is based on the assumption there would be soil excavation, given that the site is bedrock, and soil disturbance is not occurring, the archaeological assessment would not be warranted. 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-40-22 related to lands described as being Part Lot 29, Con. 18 (2142 Fire Route 20) in the Smith Ward be received for information; and

That Minor Variance Application No. A-40-22 related to lands described as being Part Lot 29, Con. 18 (2142 Fire Route 20) in the Smith Ward be approved as follows:

1. With reference to Section 4.13.3 (vii) – Lakeshore Residential Zone Regulations – to reduce the side yard setback from 3 metres to 2.3 metres 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 7.5 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 (ORCA). 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 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-23-22

Committee Member Donna Ballantyne – Committee Member Anita Locke –
That Minor Variances A-32-22, A-33-22, A-34-22, A-35-22, A-37-22, A-39-22, A-36-22, A-38-22, and A-40-22 be approved in accordance with all of the conditions noted therein.

Carried.

Deferred Matters & New Business

None.

Information

None.

Minutes

Resolution No. CA-24-22 – Minutes

Vice-Chair Andy Mitchell – Committee Member Gerry Herron –
That the minutes of the July 12, 2022 meeting No.07-22 be adopted.

Carried.

Adjournment

Resolution No. CA-25-22 - Adjournment

Committee Member Donna Ballantyne – Committee Member Gerry Herron
That the meeting be adjourned at 5:41 p.m.

Carried.

The next Committee of Adjustment meeting will be scheduled for September 27, 2022.

Brandie Mocha, Secretary-Treasurer