

**Corporation of the Township of Selwyn**

**Committee of Adjustment  
Tuesday, September 27, 2022  
Committee Meeting**

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

Staff Present:  
(virtually) 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-21-22**  
Owner: Elinor & David Petrie  
Agent: N/A  
Address: 2402 Victoria Springs Lane E

That Minor Variance Application No. A-21-22 related to lands described as being Part Lot 32 Con. 18 (2402 Victoria Springs Lane E.) in the Smith Ward be approved with corrections 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 16.41 metres to a new dwelling including a new front covered entry.

2. With reference to Section 4.13.3(v) - Lakeshore Residential Zone Regulations – to reduce the front yard setback from 7.5 metres to 1.52 metres from the edge of a gravel roadway to a new covered front entry.

Ms. Mocha advised that the Committee of Adjustment considered and approved minor variance application A-21-22 on May 24, 2022. Through Building Department review for the building permit application, it was noted that there is a discrepancy between the relief in item 1 of the decision noting a relief of 17.3 metres from the high-water mark and the submitted application and site plan which requested a setback of 16.41 metres to the dwelling. The error is a clerical error and should have been noted as 16.41 metres in the Committee's decision. Furthermore, details submitted with the building permit application indicate that the front entry is a covered entry and not an open deck. Wording in the revised decision regarding this covered front entry has also been corrected as per item 2 above. These corrections are bolded for reference in the details of the revised reliefs being recommended. These corrections do not change the conclusion in the report of May 24, 2022 that the application meets the four tests of a minor variance and the recommendation to approve this application. This administrative correction did not include public notice circulation.

### Decision

That the report of the Planner regarding Minor Variance Application No. A-21-22 related to lands described as being Part Lot 32, Con. 18 (2402 Victoria Springs Lane E.) in the Smith Ward be received for information; and

That Minor Variance Application No. A-21-22 related to lands described as being Part Lot 32 Con. 18 (2402 Victoria Springs Lane E.) in the Smith Ward be approved with corrections 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 **16.41** metres to a new dwelling including a **new front covered entry**.
2. With reference to Section 4.13.3(v) - Lakeshore Residential Zone Regulations – to reduce the front yard setback from 7.5 metres to 1.52 metres from the edge of a gravel roadway to a **new covered front entry**.

and that all other requirements and conditions apply as per the approval by the Committee of Adjustment on May 24, 2022.

**b) File No.: A-41-22**  
Owner: Bernard & Cassandra O'Donohue  
Agent: Kassie Holtom  
Address: 798 Simcoe Street

Bernard & Cassandra O'Donohue 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 1,935.2 ft<sup>2</sup> (179.8 m<sup>2</sup>) two storey residential dwelling, which includes a 79.2 ft<sup>2</sup> (7.4 m<sup>2</sup>) covered front porch, and a 266 ft<sup>2</sup> (24.7 m<sup>2</sup>) rear patio, 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 1.71 metres to a dwelling.
2. With reference to Section 3.34 – Planned Width of Road – to reduce the minimum required setback from the centre line of Township road from 17.5 metres to 11.71 metres.

3. With reference to Section 3.15 – High Water Mark Setback Provisions - to reduce the minimum high-water setback from 30 metres to 12.18 metres to a dwelling.

Ms. Mocha provided a summary of the planning report as it related to the proposed variance. The owners, Bernard & Cassandra O'Donohue, and their representative, Ryan Hayter, were present in support of the application. Ms. Mocha advised that an archeological assessment is warranted for this application should there be any soil disturbance or excavation. Kawartha Pine Ridge District School Board had no concerns with the application. Otonabee Region Conservation Authority (ORCA) advised that a planting plan is required and it be designed to establish, or increase the extent and width of, a vegetation protection zone along the shoreline to a minimum of 30 metres, as well that sedimentation and erosion control be implemented, where appropriate, prior to, during and after construction until all unstable soil is vegetated. An ORCA permit is required for this development. Mr. Hayter questioned the requirement for an archeological assessment. Mr. Lundberg clarified that the archeological assessment would only be required should excavation be required for the development, if the applicant provides further information proving that archeological assessment is not required it can be considered and assessed further at a later time. 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-41-22 related to lands described as being Part Lot 12, Con. ECR (798 Simcoe Street) in the Smith Ward be received for information; and

That Minor Variance Application No. A-41-22 related to lands described as being Part Lot 12 Con. ECR (798 Simcoe Street) in the Smith 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 1.71 metres to a dwelling.
2. With reference to Section 3.34 – Planned Width of Road – to reduce the minimum required setback from the centre line of Township road from 17.5 metres to 11.71 metres.
3. With reference to Section 3.15 – High Water Mark Setback Provisions - to reduce the minimum high-water setback from 30 metres to 12.18 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 an encroachment agreement be executed to the satisfaction of the Township of Selwyn to address the encroachment of an existing shed and two sets of stairs that will remain and that encroach on the Township's road allowance.
6. 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 control be implemented, where appropriate, prior to, during and after construction until all unstable soil is vegetated.

7. 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.

**c)     File No.:     A-42-22**  
Owner:            Gregg Patterson  
Agent:             N/A  
Address:          3089 Cottage Lane

Gregg Patterson 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 1,614 ft<sup>2</sup> (150 m<sup>2</sup>) walkout basement, which will convert an existing one-storey residential dwelling to a two-storey 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 ± 23 metres to a dwelling.

Ms. Mocha provided a summary of the planning report as it related to the proposed variance. The owner, Gregg Patterson, was present in support of the application. Ms. Mocha advised that an archeological assessment is not warranted. Kawartha Pine Ridge District School Board had no concerns with the application. Otonabee Region Conservation Authority (ORCA) advised that 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 is required, and that an ORCA permit has already been issued in support of this development. 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-42-22 related to lands described as being Part Lot 41, Con. 13 (3089 Cottage Lane) in the Smith Ward be received for information; and

That Minor Variance Application No. A-42-22 related to lands described as being Part Lot 41, Con. 13 (3089 Cottage 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 ± 23 metres to an existing dwelling. The new foundation shall be located on the same footprint and in the same location as the existing foundation.

**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.

**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-43-22**  
Owner:            Scott & Sharon Driscoll  
Agent:            Riley Martens  
Address:          2989 Ayotte’s Point Lane

Scott & Sharon Driscoll 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 ±1,914 ft² (±178 m²) garage, as follows:

1. With reference to Section 3.1.4 – Lot Coverage and Height – to increase the maximum height of an accessory structure from 4 m to 6.4 m.

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 that an archeological assessment is warranted for this application should there be any soil disturbance or excavation. Kawartha Pine Ridge District School Board had no concerns with the application. Otonabee Region Conservation Authority (ORCA) advised that an ORCA permit is not required for the garage, however, ORCA noted that the existing septic system is within close proximity to the floodplain and may require a permit from ORCA prior to site alteration. If the existing septic requires removal/decommissioning, it also may be within the regulated area and require a permit. 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. 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-43-22 related to lands described as being Part Lot 39, Con.12 (2989 Ayotte’s Point Lane) in the Smith Ward be received for information; and

That Minor Variance Application No. A-43-22 related to lands described as being Part Lot 39, Con. 12 (2989 Ayotte’s Point 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 an accessory structure from 4 m to 6.4 m.

**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). An ORCA permit is not required for the garage, however, ORCA notes that the existing septic system is within close proximity to the floodplain and may require a permit from ORCA prior to site alteration. If the existing septic requires removal/decommissioning, it also may be within the regulated area and require a permit. 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.

e)      **File No.:**      **A-45-22**  
         Owner:        KD Properties Limited  
         Agent:        Brian Buchardt  
         Address:      1285 Buckhorn Road

KD Properties Limited 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 4,800 ft<sup>2</sup> (445.9 m<sup>2</sup>) dry storage shed, as follows:

1. With reference to Section 3.1.4 – Lot Coverage and Height - to increase the maximum height of an accessory structure from 4 metres to 6.5 metres to roof midpoint.

Ms. Mocha provided a summary of the planning report as it related to the proposed variance. The owner, Don Dyck, and the agent, Brian Buchardt were present in support of the application. Ms. Mocha advised that an archeological assessment is not warranted. Kawartha Pine Ridge District School Board had no concerns with the application. Otonabee Region Conservation Authority (ORCA) advised that an ORCA permit is not required, however the stormwater management and drainage for the site should be constructed as per the approved plans noted in the Site Plan Agreement with the Township dated November 13, 2018. Mr. Peter Ludgate and Mr. George Ludgate, neighbours at 1901 8<sup>th</sup> Line, expressed concern in regards to the excavation and drainage of the subject property as sedimentation is currently an issue. They noted that there has been approximately 2 feet of sedimentation that has come onto their property. Drain Bros. has not addressed the drainage issue as of yet. Mr. Buchardt ensured that appropriate sedimentation measures will be addressed. Mr. Dyck advised that he would contact the Ludgates directly about the sedimentation issue, as well Mr. Dyck advised that the Stormwater Management Pond has not yet been completed. Mr. Lundberg advised that a required completion date of October 31, 2023 for the Stormwater Management Pond will be a condition of this Minor Variance Approval. 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-45-22 related to lands described as being Part Lot 25, Con. 7 (1241 Buckhorn Road) in the Smith Ward be received for information; and

That Minor Variance Application No. A-45-22 related to lands described as being Part Lot 25, Con. 7 (1241 Buckhorn Road) 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 an accessory structure from 4 metres to 6.5 metres to the roof midpoint.

## 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 stormwater management and drainage for the site be constructed as per the approved plans noted in the site plan agreement with the Township dated November 13, 2018 to the satisfaction of the Township of Selwyn and the Otonabee Region Conservation Authority prior to October 31, 2023.
6. That the applicant contact the owners of 1901 Eighth Line to discuss the resolution of sedimentation issues resulting from the construction and site alteration activities occurring on the subject lands at 1241 Buckhorn Road by the end of October 2022.

**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-26-22**

Committee Member Gerry Herron – Committee Member Anita Locke –  
That Minor Variances A-21-22, A-41-22, A-42-22, A-43-22, and A-45-22 be approved in accordance with all of the conditions noted therein.

Carried.

**Deferred Matters & New Business**

None.

**Information**

None.

**Minutes**

**Resolution No. CA-27-22 – Minutes**

Committee Member Anita Locke – Committee Member Donna Ballantyne –  
That the minutes of the August 9, 2022 meeting No.08-22 be adopted.

Carried.

**Adjournment**

**Resolution No. CA-28-22 - Adjournment**

Vice-Chair Andy Mitchell – Committee Member Gerry Herron  
That the meeting be adjourned at 6:20 p.m.

Carried.

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

  
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Brandie Mocha, Secretary-Treasurer