

**Corporation of the Township of Selwyn**

**Committee of Adjustment  
Tuesday, December 13, 2022  
Committee Meeting  
Council Chambers, 1310 Centre Line**

Present:  
(In-Person) Sherry Senis (Chair)  
Ron Black  
John Boyko  
Mary Coulas  
Brian Henry

Staff Present:  
(In-Person) Janice Lavalley, C.A.O.  
Angela Chittick, Clerk / Manager of Community and Corporate Services  
Tania Goncalves, Deputy Clerk  
Robert Kelly, Manager of Building and Planning  
Per Lundberg, Planner  
Brandie Mocha, Development Approvals Technician  
Lane Vance, Manager of Financial Services / Treasurer  
Gord Jopling, Fire Chief

Staff Present:  
(Virtual) 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-54-22**  
Owner: Timothy & Nomi Bell  
Agent: Krista Vanderham  
Address: 2210 Cedarwood Lane

Mr. and Mrs. Bell made an 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 2,534.2 ft<sup>2</sup> (235.4 m<sup>2</sup>) two-storey residential bungalow with a walkout basement, including a 224.5 ft<sup>2</sup> (20.9 m<sup>2</sup>) covered front porch, and a 692.2 ft<sup>2</sup> (64.3 m<sup>2</sup>) rear 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 13.5 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 9.6 metres to an open deck

Ms. Mocha provided a summary of the planning report as it related to the proposed variance. The owner, Tim Bell, and the agent, Krista Vanderham, were present virtually in support of the application. Stuart Bell was also present virtually 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. Otonabee Region Conservation Authority (ORCA) submitted comment that an ORCA permit is required, as well as recommending that the applicant establish or increase a vegetation protection zone along the shoreline to a minimum of 30 metres using native non-invasive species. Sedimentation and erosion mitigation measures are also recommended during development on the site. Curve Lake First Nation submitted comments that an archeological assessment will be required. Krista Vanderham advised that the archeological assessment has already been completed, and 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-54-22 related to lands described as being Part Lot 21, Concession 21 (2210 Cedarwood Lane) in the Smith Ward be received for information; and

That Minor Variance Application No. A-54-22 related to lands described as being Part Lot 21, Concession 12 (2210 Cedarwood 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 13.5 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 9.6 metres to an open deck.

### **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). The applicant is advised to establish or increase a vegetation protection zone along the shoreline to a minimum of 30 metres using native non-invasive species. Further, 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.

**Reason 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.

**b)      File No.:      A-55-22**  
Owner:            Donald & Kimberley Smith  
Agent:             Holly Richards-Conley  
Address:           2168 Fire Route 20

Mr. & Mrs. Smith 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 908.5 ft<sup>2</sup> (84.4 m<sup>2</sup>) dwelling addition, which includes a 142.5 ft<sup>2</sup> (13.24 m<sup>2</sup>) covered porch, 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 5.8 metres to an existing dwelling.

Ms. Mocha provided a summary of the planning report as it related to the proposed variance. The agent, Holly Richards-Conley, was present virtually in support of the application. Ms. Mocha advised that an archeological assessment is warranted for this application. Otonabee Region Conservation Authority (ORCA) submitted comments that an ORCA permit will be required, as well recommending that the applicant submit a planting plan to ‘restore, to the maximum extent possible, the ecological features and functions in developed shoreline areas; and establish, or increase the extent and width of, a vegetation protection zone along the shoreline to a minimum of 30 metres. Curve Lake First Nation submitted comments that an archeological assessment will be required. Holly Richards-Conley advised that the archeological assessment has already been completed, and no artifacts were found. Ms. Richards-Conley also advised that the applicant is in the process with ORCA of developing a planting plan, and that approval has been received from Peterborough Public Health, who advised the new septic system that was installed meets their requirements. 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-55-22 related to lands described as being Part Lot 29, Concession 18 (2168 Fire Route 20) in the Smith Ward be received for information; and

That Minor Variance Application No. A-55-22 related to lands described as being Part Lot 29, Concession 18 (2168 Fire Route 20) 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 5.8 metres to an 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(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 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-56-22**  
Owner:            Norm Phillips  
Agent:  
Address:        766 Fife’s Bay Marina Lane

Mr. & Mrs. Phillips 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 ±3,298.1 ft<sup>2</sup> (306.4 m<sup>2</sup>) dwelling, including a ±302.7 ft<sup>2</sup> (28.12 m<sup>2</sup>) breezeway, a ±527.8 ft<sup>2</sup> (49.03 m<sup>2</sup>) open deck, and an ±1,343.3 ft<sup>2</sup> (124.8 m<sup>2</sup>) attached garage, 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 16.9 metres to an open deck.
2. With reference to Section 3.15 – High Water Mark Setback Provisions - to reduce the minimum high-water setback from 30 metres to 20.28 metres to a dwelling.
3. With reference to Section 4.13.3(xi) – Lakeshore Residential Zone Regulations – to increase the maximum total lot coverage from 20% to ±25.1%.

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 should there be any soil disturbance or excavation. Otonabee Region Conservation Authority (ORCA) submitted comments that an ORCA permit is required, as well as recommending that the applicant establish or increase a vegetation protection zone along the shoreline to a minimum of 30 metres using native non-invasive species. Sedimentation and erosion mitigation measures are also recommended during development on the site. Curve Lake First Nation submitted comments that an archeological assessment 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-56-22 related to lands described as being Part Lot 3, Concession 5 (766 Fife's Bay Marina Lane) in the Smith Ward be received for information; and

That Minor Variance Application No. A-56-22 related to lands described as being Part Lot 3, Concession 5 (766 Fife's Bay Marina 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 16.9 metres to an open deck.
2. With reference to Section 3.15 – High Water Mark Setback Provisions - to reduce the minimum high-water setback from 30 metres to 20.28 metres to a dwelling.
3. With reference to Section 4.13.3(xi) – Lakeshore Residential Zone Regulations – to increase the maximum total lot coverage from 20% to  $\pm 25.1\%$ .

## 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). The applicant is advised to establish or increase a vegetation protection zone along the shoreline to a minimum of 30 metres using native non-invasive species in order to comply with Section 4.2.4.5 of the Growth Plan for the Greater Golden Horseshoe (GPGGH). Further, 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.

## Resolution No. CA-32-22

Committee Member Brian Henry – Committee Member John Boyko –

That Minor Variances A-54-22, A-55-22, and A-56-22 be approved in accordance with all of the conditions noted therein.

Carried.

**Deferred Matters & New Business**

None.

**Information**

None.

**Minutes**

**Resolution No. CA-33-22 – Minutes**

Committee Member Ron Black – Committee Member Mary Coulas –  
That the minutes of the November 8, 2022 meeting No.11-22 be adopted.

Carried.

**Adjournment**

**Resolution No. CA-34-22 - Adjournment**

Committee Member John Boyko – Committee Member Brian Henry -  
That the meeting be adjourned at 5:53 p.m.

Carried.

The next Committee of Adjustment meeting will be scheduled for January 17, 2023.

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Brandie Mocha, Secretary-Treasurer