

Corporation of the Township of Selwyn

**Committee of Adjustment
Tuesday, March 28, 2023
Committee Meeting
Council Chambers, 1310 Centre Line**

Present:

Sherry Senis (Chair)
Ron Black
John Boyko
Mary Coulas
Brian Henry

Staff Present:

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 / Secretary-Treasurer

Call To Order

The meeting was called to order by Committee Chair Sherry Senis at 12:40 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-08-23
Owner: Angela Clayton
Agent: Dave Smith
Address: 2532 Buckhorn Road

Ms. Clayton 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 a new ±65 ft² (±6 m²) open deck extension on an existing ±490 ft² (±45.5 m²) open deck, as follows:

1. With reference to Section 3.15 – High Water Mark Setback Provisions - to reduce the minimum high-water setback from 30 metres to 20 metres to an open deck.

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. Otonabee Region Conservation Authority (ORCA) submitted comments of no concern. 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-08-23 related to lands described as being Part Lot 26, Concession 14 (2532 Buckhorn Road) in the Smith Ward be received for information; and

That Minor Variance Application No. A-08-23 related to lands described as being Part Lot 26, Concession 14 (2532 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 20 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 the Otonabee Region Conservation Authority (ORCA).
- 5. 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. The Healthy Shorelines Planting Guide is available for further information.
- 6. Sedimentation and erosion control is to be implemented, where appropriate, prior to, during and after construction until all unstable soil is vegetated.

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-09-23
Owner: Harley & Alison Payne
Agent:
Address: 115 Lakeside Drive

Mr. and Mrs. Payne 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 164.2 ft² (15.25 m²) addition to an existing boat shed, as follows:

- 1. With reference to Section 3.1.6.2(a) – Boat Sheds and Pump Houses - to increase the maximum size of a boat shed or pump house from 11.5 m² to 28.5 m².
- 2. With reference to Section 3.1.6.2(c) – Boat Sheds and Pump Houses – to reduce the minimum side yard setback from 1.2 metres to 1.0 metres.

Ms. Mocha provided a summary of the planning report as it related to the proposed variance. The owner, Harley Payne, was 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. 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-09-23 related to lands described as being Part Lot 2, Concession 1 (115 Lakeside Drive) in the Ennismore Ward be received for information; and

That Minor Variance Application No. A-09-23 related to lands described as being Part Lot 2, Concession 3 (115 Lakeside Drive) in the Ennismore Ward be approved as follows:

1. With reference to Section 3.1.6.2(a) – Boat Sheds and Pump Houses - to increase the maximum size of a boat shed or pump house from 11.5 m² to 28.5 m².
2. With reference to Section 3.1.6.2(c) – Boat Sheds and Pump Houses – to reduce the minimum side yard setback from 1.2 metres to 1.0 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 the Otonabee Region Conservation Authority (ORCA).
5. 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. The Healthy Shorelines Planting Guide is available for further information.
6. Sedimentation and erosion control is to be implemented, where appropriate, prior to, during and after construction until all unstable soil is vegetated.
7. That the existing shed indicated as “Metal Boat House” on the Surveyor’s Real Property Report survey dated July 28, 2022 prepared by Elliott and Parr be removed.
8. That if there is to be any soil disturbance or excavation of any undisturbed areas in accordance with MHSTCI Criteria for Evaluating Archaeological Potential, 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 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.

c) File No.: A-10-23
Owner: Byron Bell
Agent:
Address: 839 Ward Street

Mr. 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 1,066 ft² (±99 m²) gas bar canopy, as follows:

1. With reference to Section 4.15.5.3(a) – Highway Commercial (C1) Zone Regulations for Gasoline Pump Location - to reduce the minimum front yard setback from 5 metres to 0 metres to a gasoline pump island canopy.
2. With reference to Section 4.15.5(viii) – Highway Commercial (C1) Zone Regulations for Retail Gas Establishments - to reduce the minimum setback from street centre line (County Road) from 28 m to ±10 m.
3. With reference to Section 3.34 – Planned Width of Road – to reduce the minimum setback from the street centre line from a County Road from 15 metres to ±10 metres.

Ms. Mocha provided a summary of the planning report as it related to the proposed variance. The owner, Byron Bell, was present in person in support of the application. Otonabee Region Conservation Authority (ORCA) submitted comments of no concern. 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-10-23 related to lands described as being Part Lot 12, Concession ECR (839 Ward Street) in the Smith Ward be received for information; and

That Minor Variance Application No. A-10-23 related to lands described as being Part Lot 12, Concession ECR (839 Ward Street) in the Smith Ward be approved as follows:

1. With reference to Section 4.15.5.3(a) – Highway Commercial (C1) Zone Regulations for Gasoline Pump Location - to reduce the minimum front yard setback from 5 metres to 0 metres to a gasoline pump island canopy.
2. With reference to Section 4.15.5(viii) – Highway Commercial (C1) Zone Regulations for Retail Gas Establishments - to reduce the minimum setback from street centre line (County Road) from 28 m to ±10 m.
3. With reference to Section 3.34 – Planned Width of Road – to reduce the minimum setback from the street centre line from a County Road from 15 metres to ±10 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.

Reason 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-07-23

Committee Member Brian Henry – Committee Member Ron Black –
That Minor Variances A-08-23, A-09-23, and A-10-23 be approved in accordance with all of the conditions noted therein.

Carried.

Deferred Matters & New Business

None.

Information

None.

Minutes

Resolution No. CA-08-23 – Minutes

Committee Member John Boyko – Committee Member Mary Coulas –
That the minutes of the February 28, 2023 meeting No.02-23 be adopted.

Carried.

Adjournment

Resolution No. CA-09-23 - Adjournment

Committee Member Brian Henry – Committee Member John Boyko -
That the meeting be adjourned at 12:47 p.m.

Carried.

The next Committee of Adjustment meeting will be scheduled for April 25, 2023.

Brandie Mocha, Secretary-Treasurer