

Corporation of the Township of Selwyn

**Committee of Adjustment
Tuesday, April 25, 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-11-23**
Owner: Michael & Beverly Harrington
Agent:
Address: 1165 Connaught Drive

Mr. & Mrs. Harrington 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 newly constructed 273 ft² (25.4 m²) covered 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 ±21.01 metres to a covered deck.

2. With reference to Section 4.13.3(xi) – Lakeshore Residential Zone Regulations – to increase the maximum total lot coverage from 20% to $\pm 23.81\%$
3. With reference to Section 4.13.3(vii) – Lakeshore Residential Zone Regulations – to reduce the interior side yard setback from 3 metres to 1.69 metres to a covered deck.

Ms. Mocha provided a summary of the planning report as it related to the proposed variance. The owners, Michael and Beverly Harrington, were present virtually in support of the application. Peterborough Public Health (PPH) has submitted comments of no objection. Hiawatha First Nation has submitted comments of no concern. The Otonabee Region Conservation Authority (ORCA) has submitted comments that an ORCA permit is required for this project. 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-11-23 related to lands described as being Part Lot 16, Concession 7 (1165 Connaught Drive) in the Ennismore Ward be received for information; and

That Minor Variance Application No. A-11-23 related to lands described as being Part Lot 16, Concession 7 (1165 Connaught 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 ± 21.01 metres to a covered deck.
2. With reference to Section 4.13.3(xi) – Lakeshore Residential Zone Regulations – to increase the maximum total lot coverage from 20% to $\pm 23.81\%$
3. With reference to Section 4.13.3(vii) – Lakeshore Residential Zone Regulations – to reduce the interior side yard setback from 3 metres to 1.69 metres to a covered 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 required 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-12-23
Owner: Paul Tigert
Agent: Dennis Jenkins
Address: 3580 Horseshoe Lane

Mr. Tigert 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 $\pm 831.3 \text{ ft}^2$ ($\pm 77.23 \text{ m}^2$) of new open decks including stairs and a new 101.2 ft^2 (9.4 m^2) dwelling addition (front foyer), 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 ± 5.9 metres to the new open decks.
2. With reference to Section 3.15 – High Water Mark Setback Provisions - to reduce the minimum high-water setback from 30 metres to ± 8.2 metres to a dwelling in order to permit a dwelling addition (front foyer).
3. With reference to Section 4.13.3(v) – Lakeshore Residential Zone Provisions - to reduce the minimum front yard setback from 7.5 metres to 6.13 metres from a right-of-way to a dwelling addition (front foyer).
4. With reference to Section 4.13.3(v) – Lakeshore Residential Zone Provisions - to reduce the minimum front yard setback from 7.5 metres to 4.34 metres from a right-of-way to an open deck.

Ms. Mocha provided a summary of the planning report as it related to the proposed variance. The owner Paul Tigert, and the agent Dennis Jenkins, were present virtually in support of the application. Peterborough Public Health (PPH) has submitted comments that an existing sewage system review is needed. Hiawatha First Nation has submitted comments of no concern. The Otonabee Region Conservation Authority (ORCA) has submitted comments that an ORCA permit is required for this project. 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-12-23 related to lands described as being Part Lot 47, Concession 15 (3580 Horseshoe Lane) in the Smith Ward be received for information; and

That Minor Variance Application No. A-12-23 related to lands described as being Part Lot 47, Concession 15 (3580 Horseshoe 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 ± 5.9 metres to the new open decks.
2. With reference to Section 3.15 – High Water Mark Setback Provisions - to reduce the minimum high-water setback from 30 metres to ± 8.2 metres to a dwelling in order to permit a dwelling addition (front foyer).
3. With reference to Section 4.13.3(v) – Lakeshore Residential Zone Provisions - to reduce the minimum front yard setback from 7.5 metres to 6.13 metres from a right-of-way to a dwelling addition (front foyer).
4. With reference to Section 4.13.3(v) – Lakeshore Residential Zone Provisions - to reduce the minimum front yard setback from 7.5 metres to 4.34 metres from a right-of-way 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. That the applicant(s) be required to obtain approval from Peterborough Public Health.
6. 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.
7. 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 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-13-23**
Owner: Paul Gadd
Agent: Ian Nichols
Address: 2544 Fire Route 37

Mr. Gadd 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 177.6 ft² (16.5 m²) roof addition over an existing deck (i.e. a covered front 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 ±8 metres to a dwelling in order to permit a roof addition over an existing front deck for the purpose of a front porch.

Ms. Mocha provided a summary of the planning report as it related to the proposed variance. The agent, Ian Nichols, was present virtually in support of the application. Peterborough Public Health (PPH) has submitted comments that an existing sewage system review is needed. Hiawatha First Nation has submitted comments of no concern. The Otonabee Region Conservation Authority (ORCA) has provided comments that an ORCA permit is required and that ORCA is in support of the minor variance provided the covered roof addition are (i.e front porch) is not enclosed to create a habitable interior space. 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-13-23 related to lands described as being Part Lot 34, Concession 15 (2544 Fire Route 37) in the Smith Ward be received for information; and

That Minor Variance Application No. A-13-23 related to lands described as being Part Lot 34, Concession 15 (2544 Fire Route 37) 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 ±8 metres to a dwelling in

order to permit a roof addition over an existing front deck for the purpose of a front porch.

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. That the applicant(s) be required to obtain approval from Peterborough Public Health.

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-10-23

Committee Member Brian Henry – Committee Member Ron Black –
That Minor Variances A-11-23, A-12-23, and A-13-23 be approved in accordance with all of the conditions noted therein.

Carried.

Deferred Matters & New Business

None.

Information

None.

Minutes

Resolution No. CA-11-23 – Minutes

Committee Member John Boyko – Committee Member Mary Coulas –
That the minutes of the March 28, 2023 meeting No.03-23 be adopted.

Carried.

Adjournment

Resolution No. CA-12-23 - 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 May 23, 2023.