

Corporation of the Township of Selwyn

**Committee of Adjustment
Tuesday, May 23, 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-15-23**
Owner: Jeff & Susan Lang
Agent: Holly Richards-Conley
Address: 2730 Newcomb Lane

Mr. & Mrs. Lang 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 256.5 ft² (23.83 m²) dwelling addition and a new 981.1 ft² (91.15 m²) detached 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 ± 18.2 metres to a dwelling to permit a dwelling addition.
2. With reference to Section 3.14 – Lot Coverage and Height Provisions - to increase the maximum lot coverage from 5% to 5.87% for all accessory structures to permit a new detached garage.
3. With reference to Section 3.1.1(c) – Accessory Buildings, Structures and Uses – to increase the maximum number of accessory structures permitted on a lot from 3 to 4 to permit a new detached garage.

Ms. Mocha provided a summary of the planning report as it related to the proposed variance. The owners, Jeff & Susan Lang, was present in person in support of the application. 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 should there be any soil disturbance or excavation. Peterborough Public Health (PPH) submitted comments that an application for a new septic system has been received and is under review. Hiawatha First Nation submitted comment regarding concern for archaeological resources. The Kawartha Pine Ridge District School Board submitted comments of no concern. The Otonabee Region Conservation Authority (ORCA) submitted comments that an ORCA permit will be required for this project. Karen Chadwel, the neighbour at 2738 Newcomb Lane, submitted comments of no concern.

Decision

That the report of the Planner regarding Minor Variance Application No. A-15-23 related to lands described as being Lot 16, Plan 66 (2730 Newcomb Lane) in the Smith Ward be received for information; and

That Minor Variance Application No. A-15-23 related to lands described as being Lot 16, Plan 66 (2730 Newcomb 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 ± 18.2 metres to a dwelling to permit a dwelling addition.
2. With reference to Section 3.14 – Lot Coverage and Height Provisions - to increase the maximum lot coverage from 5% to 5.87% for all accessory structures to permit a new detached garage.
3. With reference to Section 3.1.1(c) – Accessory Buildings, Structures and Uses – to increase the maximum number of accessory structures permitted on a lot from 3 to 4 to permit a new 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 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 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.
8. That the four (4) existing accessory structures marked "to be demolished" on the Site Plan showing proposed addition and garage at 2730 Newcombe Lane dated 27 January 2023 be permanently removed from the subject lands.

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.

b) File No.: A-16-23
Owner: Kevin Noonan
Agent: Mark Crampton
Address: 193 Arnott Drive

Mr. Noonan 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 $\pm 2,260 \text{ ft}^2$ ($\pm 210 \text{ m}^2$) dwelling including a front porch, a new $\pm 36.5 \text{ m}^2$ ($\pm 392.8 \text{ ft}^2$) open deck and a new 676 ft^2 (62.8 m^2) detached 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 ± 24.6 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 ± 20.2 metres to an open deck.
3. With reference to Section 4.13.3 (v) – Lakeshore Residential Zone Regulations – to reduce the front yard setback from 7.5 metres to 7.2 metres to an accessory structure (i.e. a detached garage).
4. With reference to Section 3.34 – Planned Width of Road – to reduce the setback from the centre line of a Township Road (Arnott Drive) from 17.5 metres to 17.2 metres to an accessory structure (i.e. a detached garage).
5. With reference to Section 3.1.4 – Lot Coverage and Height Provisions – to increase the maximum height of an accessory structure from 6 metres to 7.6 metres.

Ms. Mocha provided a summary of the planning report as it related to the proposed variance. The owner, Kevin Noonan, 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. Peterborough Public Health (PPH) submitted comments that an application for a new septic system has been received and can be approved with the approval of the minor variance application. Hiawatha First Nation submitted comment regarding concern for archaeological resources. The

Kawartha Pine Ridge District School Board submitted comments of no concern. The Otonabee Region Conservation Authority (ORCA) submitted comment that an ORCA permit will be 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-16-23 related to lands described as being Part of Lot 3, Concession 1 (193 Arnott Drive) in the Ennismore Ward be received for information; and

That Minor Variance Application No. A-16-23 related to lands described as Part of Lot 3, Concession 1 (193 Arnott 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 ± 24.6 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 ± 20.2 metres to an open deck.
3. With reference to Section 4.13.3 (v) – Lakeshore Residential Zone Regulations – to reduce the front yard setback from 7.5 metres to 7.2 metres to an accessory structure (i.e. a detached garage).
4. With reference to Section 3.34 – Planned Width of Road – to reduce the setback from the centre line of a Township Road (Arnott Drive) from 17.5 metres to 17.2 metres to an accessory structure (i.e. a detached garage).
5. With reference to Section 3.1.4 – Lot Coverage and Height Provisions – to increase the maximum height of an accessory structure from 6 metres to 7.6 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 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-17-23
Owner: John Power
Agent: Christine Watts
Address: 2692 Westview Road

Mr. Power 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 1,338 ft² (124.3 m²) dwelling with a 104 ft² (9.66 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 ±10.8 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 ±9.05 metres to an open deck.

Ms. Mocha provided a summary of the planning report as it related to the proposed variance. The owner, John Power, was present in person in support of the application. The agents, Mike Forth & Christine Watts, were present in person 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. Peterborough Public Health (PPH) submitted comments that a renovation application needs to be submitted by the applicant. Hiawatha First Nation submitted comment regarding concern for archaeological resources. The Kawartha Pine Ridge District School Board submitted comments of no concern. The Otonabee Region Conservation Authority (ORCA) submitted comment that an ORCA permit will be required for this project. Comments were received from James and Janet Wolfe, neighbours at 2688 Westview Road, and Penny Reznel, a neighbour at 2694 Westview Road, both in opposition of the application with concern for deviations from the Zoning By-law and building within the highwater setback. Penny Reznel was also present in person to voice her concerns in opposition of the application. The Planner, Per Lundberg, clarified that the proposed development is not encroaching any further into the highwater setback than the exiting dwelling.

Decision

That the report of the Planner regarding Minor Variance Application No. A-17-23 related to lands described as being Part of Lot 21, Concession 15 (2692 Westview Road) in the Smith Ward be received for information; and

That Minor Variance Application No. A-17-23 related to lands described as Part of Lot 21, Concession 15 (2692 Westview 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 ±10.8 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 ±9.05 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.
7. 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.

Resolution No. CA-13-23

Committee Member Mary Coulas – Committee Member Ron Black –
That Minor Variances A-15-23, A-16-23, and A-17-23 be approved in accordance with all of the conditions noted therein.

Carried.

d) File No.: A-14-23
Owner: Leonid Spektor
Agent: Riley Martens
Address: 2540 Fire Route 37

Mr. Spektor 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 156 ft² (14.5 m²) open deck (uncovered) addition, 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 ±12 metres to an open deck.

Ms. Mocha provided a summary of the planning report as it related to the proposed variance. The agent, Riley Martens, 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. The Otonabee Region Conservation Authority (ORCA) has provided comments that they are not in support of this application. The Kawartha Pine Ridge District School Board has submitted comments of no concern. Hiawatha First Nation has submitted comments regarding a concern for archaeological resources. Peterborough Public Health has submitted comments of no

objection. The complete comments from these agencies are attached to this report. Matt Wilkinson from Otonabee Region Conservation Authority was present virtually to clarify the reason the application cannot be supported is due to the proximity of the floodplain on the property, and the project not being consistent with the provisions of the Provincial Policy Statement. 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-14-23 related to lands described as being Part Lot 34, Concession 15 (2540 Fire Route 37) in the Smith Ward be received for information; and

That Minor Variance Application No. A-14-23 related to lands described as being Part Lot 34, Concession 15 (2540 Fire Route 37) in the Smith Ward be denied.

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 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 variance is not desirable for the appropriate development or use of land, building or structure, does not maintain the general intent and purpose of the Official Plan or the Zoning By-law and that the variance is therefore not minor in nature.

Resolution No. CA-14-23

Committee Member Mary Coulas – Committee Member Brian Henry –

That Minor Variances A-14-23 be denied in accordance with all of the conditions noted therein.

Carried.

Deferred Matters & New Business

None.

Information

None.

Minutes

Resolution No. CA-15-23 – Minutes

Committee Member Brian Henry – Committee Member Ron Black –
That the minutes of the April 25, 2023 meeting No.04-23 be adopted.

Carried.

Adjournment

Resolution No. CA-16-23 - Adjournment

Committee Member John Boyko – Committee Member Brian Henry -
That the meeting be adjourned at 1:00 p.m.

Carried.

The next Committee of Adjustment meeting will be scheduled for June 27, 2023.

Brandie Mocha, Secretary-Treasurer