

Corporation of the Township of Selwyn

**Committee of Adjustment
Tuesday, July 11, 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
Gord Jopling, Fire Chief

Call To Order

The meeting was called to order by Committee Chair Sherry Senis at 12:50 p.m.

Declaration of Pecuniary Interest

None.

Deputations and/or Invited Persons and/or Public Meeting

None.

Minor Variance Applications and Staff Reports

Per Lundberg 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-21-23
Owner: Mark Palmer
Agent: Dennis Jenkins
Address: 924 Highland Road

Mr. Palmer 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 1372.4 ft² (127.5 m²) dwelling replacement, a new 240 ft² (22.3 m²) open deck and new 152.8 ft² (14.2 m²) 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 ±10.9 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 ± 13.7 metres to a dwelling.
3. With reference to Section 4.13.3 viii) – Lakeshore Residential (LR) Zone - to reduce the minimum rear yard setback from 15 metres to ± 8.8 metres to an open deck.
4. With reference to Section 4.13.3 viii) – Lakeshore Residential (LR) Zone - to reduce the minimum rear yard setback from 15 metres to ± 11.9 metres to a dwelling.
5. With reference to Section 4.13.3 xi) – Lakeshore Residential (LR) Zone - to increase the maximum lot coverage from 20% to $\pm 24\%$.
6. With reference to Section 4.13.3 vii) – Lakeshore Residential (LR) Zone - to reduce the minimum side yard setback from 3 metres to ± 1.37 metres.

Mr. Lundberg provided a summary of the planning report as it related to the proposed variance. The agent, Dennis Jenkins and neighbour Karen Julaine Palmer were present virtually in support of the application. Mr. Lundberg noted that an archaeology assessment appears to be warranted should there be any soil disturbance or excavation. Kawartha Pine Ridge District School Board has submitted comments of no concern. The Otonabee Region Conservation Authority (ORCA) has submitted comments that an ORCA permit is required for this project. Hiawatha First Nation has submitted comments that an archaeological assessment should be completed. 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-21-23 related to lands described as being Part of Lot 12, Concession 8 (924 Highland Road) in the Smith Ward be received for information; and

That Minor Variance Application No. A-21-23 related to lands described as Part of Lot 12, Concession 8 (924 Highland 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 ± 10.9 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 ± 13.7 metres to a dwelling.
3. With reference to Section 4.13.3 viii) – Lakeshore Residential (LR) Zone - to reduce the minimum rear yard setback from 15 metres to ± 8.8 metres to an open deck.
4. With reference to Section 4.13.3 viii) – Lakeshore Residential (LR) Zone - to reduce the minimum rear yard setback from 15 metres to ± 11.9 metres to a dwelling.
5. With reference to Section 4.13.3 xi) – Lakeshore Residential (LR) Zone - to increase the maximum lot coverage from 20% to $\pm 24\%$.
6. With reference to Section 4.13.3 vii) – Lakeshore Residential (LR) Zone - to reduce the minimum side yard setback from 3 metres to ± 1.37 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 Peterborough Public Health.
5. That the applicant(s) be required to obtain approval from the Otonabee Region Conservation Authority (ORCA).
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.
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.

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.

b) File No.: **A-22-23**
Owner: Harold Kidd
Agent: Molly Conlin
Address: 530 Lindsay Road

Mr. Kidd 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 $\pm 1200 \text{ ft}^2$ ($\pm 111.48 \text{ m}^2$) garage addition as follows:

1. With reference to Section 3.1.4 – Lot Coverage and Height - to increase the maximum permitted height of an accessory structure from 6 m to 7.16 m.

Mr. Lundberg provided a summary of the planning report as it related to the proposed variance. The agent Molly Conlin was present virtually in support of the application. Hiawatha First Nation has submitted comments of no concern. The Otonabee Region Conservation Authority (ORCA) has submitted comments of no concerns. Peterborough County Public Works has submitted comments that the circular entrance currently at the property is not permitted and the access to the property will have to be reduced by one entrance. Committee member Ron Black asked the purpose of the raising of the garage. Mr. Lundberg stated that the purpose of the extra height was to accommodate the restoration of antique tractors as a hobby. 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-22-23 related to lands described as being Part of Lot 7, Concession 4 (530 Lindsay Road) in the Smith Ward be received for information; and
That Minor Variance Application No. A-22-23 related to lands described as Part of Lot 7, Concession 4 (530 Lindsay 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 permitted height of an accessory structure from 6 m to 7.16 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 County of Peterborough Public Works Department for the entrance onto the subject lands. A circular entrance is not permitted onto County Road 1 (Lindsay Road). Only one access to the property can be permitted as per By-law #2012-26. The existing entrance on the west side (see attached), is required to be removed. Removal of the entrance shall be as per the County's Entrance Permit process.

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.

Resolution No. CA-20-23

Committee Member John Boyko – Committee Member Mary Coulas –
That Minor Variances A-21-23, and A-22-23 be approved in accordance with all of the conditions noted therein.

Carried.

Deferred Matters & New Business

None.

Information

None.

Minutes

Resolution No. CA-21-23 – Minutes

Committee Member Brian Henry – Committee Member John Boyko –
That the minutes of the June 27, 2023 meeting No.06-23 be adopted.

Carried.

Adjournment

Resolution No. CA-22-23 - Adjournment

Committee Member Brian Henry – Committee Member Ron Black-
That the meeting be adjourned at 12:57 p.m.

Carried.

The next Committee of Adjustment meeting will be scheduled for August 8, 2023.

Per Lundberg, Secretary-Treasurer