

Corporation of the Township of Selwyn

**Committee of Adjustment
Tuesday, August 8, 2023
Committee Meeting
Council Chambers, 1310 Centre Line**

Present:

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

Regrets:

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

Mr. 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-23-23**
Owner: Arlene and Gary Gunnis
Agent: Holly Richards – Conley (Blackpoint Construction Services)
Address: 8 Greenacres Crescent

Arlene and Gary Gunnis 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 re-development of the subject property with a new 3196.6 ft² (296.97 m²) dwelling including 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 ± 16.6 metres to a new dwelling.

Mr. Lundberg provided a summary of the planning report as it related to the proposed variance. The agent, Holly Richards, was present virtually in support of the application and advised that an archeological assessment was completed and indicated that nothing was found. A permit for a septic system was submitted to Peterborough Public Health. The Otonabee Region Conservation Authority (ORCA) submitted comments that an ORCA permit is required. Brock and Margo Edwards provided comment with no objection. 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-23-23 related to lands described as being Part of Lot 13, Concession 8 (8 Greenacres Cr.) in the Ennismore Ward be received for information; and

That Minor Variance Application No. A-23-23 related to lands described as Part of Lot 13, Concession 8 (8 Greenacres Cr.) 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 ± 16.6 metres to a new 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(s) be required to obtain approval from Peterborough Public Health.
4. That the applicant provide the Township with a survey / surveyors report completed by an Ontario Licensed Land Surveyor at the foundation stage of construction.
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 the existing metal shed noted on the site plan be removed.
9. 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 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-24-23
Owner: Sam McLean
Agent:
Address: 3182 Spring Lane East

Mr. Sam McLean 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 364 ft² (33.8 m²) dwelling 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 ±21.2 metres to an existing dwelling.

Mr. Lundberg provided a summary of the planning report as it related to the proposed variance. The Otonabee Region Conservation Authority (ORCA) submitted comment that an ORCA permit will be not 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-24-23 related to lands described as being Part of Lot 42, Concession 16 (3182 Spring Lane East) in the Smith Ward be received for information; and

That Minor Variance Application No. A-24-23 related to lands described as Part of Lot 42, Concession 16 (3182 Spring Lane East) 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 ±21.2 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(s) be required to obtain approval from Peterborough Public Health.
4. That the applicant provide the Township with a survey / surveyors report completed by an Ontario Licensed Land Surveyor at the foundation stage of construction.
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 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-25-23**
Owner: Mario and Gabriella Tino
Agent:
Address: 2878 Antelope Trail

Mario and Gabriella 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 ± 67 ft² (± 6.22 m²) dwelling addition and a 84.6 ft² (7.86 m²) open deck extension. 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 ± 21.4 metres to an existing 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 ± 23.15 metres to an open deck extension.
3. With reference to Section 3.15 – High Water Mark Setback Provisions - to reduce the minimum high-water setback from 30 metres to ± 25.55 metres to a dwelling.

Mr. Lundberg provided a summary of the planning report as it related to the proposed variance. The Otonabee Region Conservation Authority (ORCA) submitted comments that an ORCA permit will not 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-25-23 related to lands described as being Part of Lot 22, Concession 16 (2878 Antelope Trail) in the Smith Ward be received for information; and

That Minor Variance Application No. A-25-23 related to lands described as Part of Lot 22, Concession 16 (2878 Antelope Trail) 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 ± 21.4 metres to an existing 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 ± 23.15 metres to an open deck extension.
3. With reference to Section 3.15 – High Water Mark Setback Provisions - to reduce the minimum high-water setback from 30 metres to ± 25.55 metres to a 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. 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 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-24-23

Committee Member John Boyko – Committee Member Brian Henry –
That Minor Variances A-23-23, A-24-23, and A-25-23 be approved in accordance with all of the conditions noted therein.

Carried.

Deferred Matters & New Business

None.

Information

None.

Minutes

Resolution No. CA-25-23 – Minutes

Committee Member Mary Coulas – Committee Member John Boyko –
That the minutes of the July 11, 2023 meeting No.07-23 be adopted.

Carried.

Adjournment

Resolution No. CA-26-23 - Adjournment

Committee Member Ron Black – Committee Member Mary Coulas -
That the meeting be adjourned at 12:52 p.m.

Carried.

The next Committee of Adjustment meeting will be scheduled for September 26, 2023.

Per Lundberg, Planner