

Corporation of the Township of Selwyn

**Committee of Adjustment
Tuesday, September 26, 2023
Committee Meeting
Council Chambers, 1310 Centre Line**

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

Regrets: Janice Lavalley, C.A.O.

Staff Present: Angela Chittick, Clerk / Manager of Community and Corporate Services
Tania Goncalves, Deputy Clerk
Robert Kelly, Manager of Building and Planning
Per Lundberg, Planner
Candace Massie, Development Approvals Technician / Secretary-Treasurer

Call To Order

The meeting was called to order by Committee Chair Sherry Senis at 12:30 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-26-23
Owner: 9195762 Canada Inc.
Agent: N/A
Address: Centre Line

9195762 Canada Inc. 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, as required by a condition of the related County of Peterborough consent application, File No. B-53-23. The subject property is currently legally merged on title with lands to north having the municipal address of 861 Centre Line (1516.020.007.48700). Severance application B-53-23 seeks to separate 861 Centre

Line from the subject property. The subject property is vacant with no buildings or structures.

1. With reference to Section 4.5.2 [Multiple Zones], Section 4.8.3(i) [Rural Zone Regulations for Residential Uses], and Section 4.8.4(i) [Rural Zone Regulations for Non-Residential Uses] - to reduce the minimum lot area from 20 ha to 15 ha.
2. With reference to Section 4.5.2 [Multiple Zones], Section 4.8.3(ii) [Rural Zone Regulations for Residential Uses], and Section 4.8.4(ii) [Rural Zone Regulations for Non-Residential Uses] - to reduce the minimum lot frontage from 200 metres to 75 metres on Woodland Drive.
3. With reference to Section 4.5.2 [Multiple Zones], Section 4.7.3(i) [Agricultural Zone Regulations for Residential Uses], and Section 4.7.4(i) [Agricultural Zone Regulations for Non-Residential Uses] - to reduce the minimum lot area from 20 ha to 15 ha.
4. With reference to Section 4.5.2 [Multiple Zones], Section 4.7.3(ii) [Agricultural Zone Regulations for Residential Uses], and Section 4.7.4(ii) [Agricultural Zone Regulations for Non-Residential Uses] - to reduce the minimum lot frontage from 200 metres to 100 metres on Fifth Line.

Mr. Lundberg provided a summary of the planning report as it related to the proposed variance. Hiawatha First Nation has submitted comments regarding a concern for archaeological resources. Peterborough Public Health (PPH) and the Kawartha Pine Ridge District School Board have submitted comments of no concern. Jan Graham and Ken Fowler submitted comments via email opposing the application. Township staff responded with further information and both were satisfied with the comments. William Dunn of 294 Woodland Drive was in attendance and opposed the application, noting his concerns that the application is not minor. No further comments were received in support or in opposition of the application.

Decision

That the report of the Planner of regarding Minor Variance Application No. A-26-23 related to lands described as being Part of Lot 19, Concession 4 in the Smith Ward be received for information; and

That Minor Variance Application No. A-26-23 related to lands described as Part of Lot 19, Concession 4 in the Smith Ward be approved as follows:

1. With reference to Section 4.5.2 [Multiple Zones], Section 4.8.3(i) [Rural Zone Regulations for Residential Uses], and Section 4.8.4(i) [Rural Zone Regulations for Non-Residential Uses] - to reduce the minimum lot area from 20 ha to 15 ha.
2. With reference to Section 4.5.2 [Multiple Zones], Section 4.8.3(ii) [Rural Zone Regulations for Residential Uses], and Section 4.8.4(ii) [Rural Zone Regulations for Non-Residential Uses] - to reduce the minimum lot frontage from 200 metres to 75 metres on Woodland Drive.
3. With reference to Section 4.5.2 [Multiple Zones], Section 4.7.3(i) [Agricultural Zone Regulations for Residential Uses], and Section 4.7.4(i) [Agricultural Zone Regulations for Non-Residential Uses] - to reduce the minimum lot area from 20 ha to 15 ha.
4. With reference to Section 4.5.2 [Multiple Zones], Section 4.7.3(ii) [Agricultural Zone Regulations for Residential Uses], and Section 4.7.4(ii) [Agricultural Zone Regulations for Non-Residential Uses] - to reduce the minimum lot frontage from 200 metres to 100 metres on Fifth Line.

Conditions

None

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-27-23**
Owner: Karamjit Lal
Agent: N/A
Address: 3111 Fire Route 30

Mr. Karamjit Lal 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 recognize the as-constructed side yard setback for a new 71.35 m² (768 ft²) boathouse. Minor variance file no. A-45-20 was previously issued for this project; however, the final location of the as-constructed boathouse is closer to the side yard property lot line than the previously approved 3 metres.

Mr. Lundberg provided a summary of the planning report as it related to the proposed variance. Hiawatha First Nation has submitted comments requesting an archeological assessment if there is to be any excavation. Peterborough Public Health (PPH) and the Kawartha Pine Ridge District School Board (KPRDSB) have submitted comments of no concern. Karamjit Lal was present virtually and in support of the application. 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 3.1.6.1(a) - Boat Houses - to reduce the minimum side yard setback from 5 metres to 1.66 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(s) be required to obtain approval from the Otonabee Region Conservation Authority (ORCA).
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.

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-28-23
Owner: Adam Greenberg
Agent: N/A
Address: 945 Telford Drive

Adam Greenberg 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 construct a new 1404.7 ft² (130.5 m²) garage and carport, a 800 ft² (74.31 m²) dwelling addition and a 220 ft² (20.43 m²) open deck.

1. With reference to Section 3.1.5 – High Water Mark Setback Provisions - to reduce the minimum high water mark setback from 30 metres to 22.2 metres to a dwelling addition.
2. With reference to Section 3.1.5 – High Water Mark Setback Provisions - to reduce the minimum high water mark setback from 30 metres to 19.31 metres to an open deck.
3. With reference to Section 4.13.3(vii) – Lakeshore Residential Zone Regulations – to reduce the interior side yard setback to a dwelling addition from 3 metres to 1.2 metres.
4. With reference to Section 3.1.4 – Accessory Structure Lot Coverage and Height – to increase the maximum accessory lot coverage from 5% to 7.2%.

Mr. Lundberg provided a summary of the planning report as it related to the proposed variance. Hiawatha First Nation has submitted comments requesting an archeological assessment if there is to be any excavation. Peterborough Public Health (PPH) has submitted comments noting that PPH approval is required. The Kawartha Pine Ridge District School Board (KPRDSB) have submitted comments of no concern. Otonabee Region Conservation Authority (ORCA) has submitted comments noting that a permit is required. County of Peterborough has 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-28-23 related to lands described as being Part of Lot 15, Concession 6 (945 Telford Drive) in the Ennismore Ward be received for information; and

That Minor Variance Application No. A-28-23 related to lands described as Part of Lot 15, Concession 6 (945 Telford Drive) in the Ennismore Ward be approved as follows:

1. With reference to Section 3.1.5 – High Water Mark Setback Provisions - to reduce the minimum high water mark setback from 30 metres to 22.2 metres to a dwelling addition.
2. With reference to Section 3.1.5 – High Water Mark Setback Provisions - to reduce the minimum high water mark setback from 30 metres to 19.31 metres to an open deck.
3. With reference to Section 4.13.3(vii) – Lakeshore Residential Zone Regulations – to reduce the interior side yard setback to a dwelling addition from 3 metres to 1.2 metres.

- 4. With reference to Section 3.1.4 – Accessory Structure Lot Coverage and Height – to increase the maximum accessory lot coverage from 5% to 7.2%.

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). Further, 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. Lastly, that sedimentation and erosion control be implemented, where appropriate, prior to, during and after construction until all unstable soil is vegetated.
- 6. 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.

d) File No.: **A-29-23**
Owner: Braden Mann
Agent: J. Laurie Young
Address: 1752 Poplar Point Road

Mr. Braden Mann 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 2335.8 ft² (217 m²) single detached dwelling and a new 290.6 ft² (27 m²) open deck.

- 1. With reference to Section 3.15 – High Water Mark Setback Provisions - to reduce the minimum high water mark setback from 30 metres to 15.3 metres to a new dwelling on an existing vacant lot of record as per section 3.15.2.
- 2. With reference to Section 3.15 – High Water Mark Setback Provisions - to reduce the minimum high water mark setback from 30 metres to 12.6 metres to a new open deck.
- 3. With reference to Section 4.13.3 vii – Lakeshore Residential Zone Regulations – to reduce the minimum side yard setback from 3 metres to 2.34 metres.

4. With reference to Section 4.13.3 v – Lakeshore Residential Zone Regulations – to reduce the minimum front yard setback from 7.5 metres to 4.9 metres.
5. With reference to Section 3.34 – Planned Width of Road – to reduce the minimum setback from the centre line of municipal road from 17.5 metres to 14.9 metres.

Mr. Lundberg provided a summary of the planning report as it related to the proposed variance. Hiawatha First Nation has submitted comments requesting an archeological assessment if there is to be any excavation. Peterborough Public Health (PPH) has submitted comments noting that a PPH permit is required. The Kawartha Pine Ridge District School Board (KPRDSB) have submitted comments of no concern. The Otonabee Region Conservation Authority (ORCA) has submitted comment that an ORCA permit is required. The County of Peterborough has submitted comments of no concern. Heather Eldebs has submitted comments in support of this application. Braden Mann and Laurie Young were both present virtually and in support of this application. It was noted that a Stage I & II archaeological assessment dated 11/11/2022 prepared by Great Lake Archaeology has been submitted with this application. The assessment notes that no archaeological resources were found and that the site is considered to be free of archaeological 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-29-23 related to lands described as being Part of Lot 17, Concession 9&10 (1752 Poplar Point Road) in the Smith Ward be received for information; and

That Minor Variance Application No. A-29-23 related to lands described as Part of Lot 17, Concession 9&10 (1752 Poplar Point 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 mark setback from 30 metres to 15.3 metres to a new dwelling on an existing vacant lot of record as per section 3.15.2.
2. With reference to Section 3.15 – High Water Mark Setback Provisions - to reduce the minimum high water mark setback from 30 metres to 12.6 metres to a new open deck.
3. With reference to Section 4.13.3 vii – Lakeshore Residential Zone Regulations – to reduce the minimum side yard setback from 3 metres to 2.34 metres.
4. With reference to Section 4.13.3 v – Lakeshore Residential Zone Regulations – to reduce the minimum front yard setback from 7.5 metres to 4.9 metres
5. With reference to Section 3.34 – Planned Width of Road – to reduce the minimum setback from the centre line of municipal road from 17.5 metres to 14.9 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(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.

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.

e) File No.: A-30-23
Owner: Gary Payne
Agent: Ian Nichols
Address: 467 Causeway View Road South

Mr. Gary 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 a new 1075.2 ft² (99.89 m²) garage and covered patio as follows:

1. With reference to Section 4.13.3(vii) – Lakeshore Residential (LR) Zone Regulations – to reduce the interior side yard setback from 3 meters to 1.2 meters to the proposed new attached garage and covered patio.
2. With reference to Section 3.15 – High Water Mark Setback Provisions – to reduce the minimum high water mark setback from 30 meters to 15.5 meters to a covered patio.
3. With reference to Section 4.13.3(xi) – Lakeshore Residential (LR) Zone Regulations – to increase the maximum lot coverage (all buildings and structures) from 20% to 22%.

Mr. Lundberg provided a summary of the planning report as it related to the proposed variance. Hiawatha First Nation has submitted comments requesting an archaeological assessment if there is to be any soil disturbance. Peterborough Public Health (PPH) has submitted comments that the proposed construction will not impact the existing sewage system holding unless bedrooms or fixtures are proposed. The Kawartha Pine Ridge District School Board (KPRDSB) has submitted comments of no concern. The Otonabee Region Conservation Authority (ORCA) has submitted comments that an ORCA permit is required. The County of Peterborough has submitted comments of no concern. Ian Nichols (agent) was present in support of the application. 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-30-23 related to lands described as being Part of Lot 9, Concession 4 (467 Causeway View Road S) in the Ennismore Ward be received for information; and

That Minor Variance Application No. A-30-23 related to lands described as Part of Lot 9, Concession 4 (467 Causeway View Road S) in the Ennismore Ward be approved as follows:

1. With reference to Section 4.13.3(vii) – Lakeshore Residential (LR) Zone Regulations – to reduce the interior side yard setback from 3 meters to 1.2 meters to the proposed new attached garage and covered patio.
2. With reference to Section 3.15 – High Water Mark Setback Provisions – to reduce the minimum high water mark setback from 30 meters to 15.5 meters to a covered patio.
3. With reference to Section 4.13.3(xi) – Lakeshore Residential (LR) Zone Regulations – to increase the maximum lot coverage (all buildings and structures) from 20% to 22%.

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 provides 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.

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.

f) File No.: A-31-23
Owner: Matthew Megesi & Tunde Versagzto
Agent: N/A
Address: 146 Fife’s Bay Road

Matthew and Tunde Versagzto 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 1200.3 ft² (111.5 m²) garage.

1. With reference to Section 3.1.4 – Lot Coverage and Height – to increase the maximum building height from 6 meters to 8.5 meters (to peak) for the proposed new garage.
2. With reference to Section 3.1.4 – Lot Coverage and Height - to increase the lot coverage for accessory structures from 5% to 6.5% for the proposed new garage.

3. With reference to Section 3.1.5.1(d) & 4.13.3(v) – Lakeshore Residential (LR) Zone Regulations – to reduce the minimum front yard setback from 7.5 meters to 3.25 meters for the proposed new garage.
4. With reference to Section 3.34 – Planned Width of Road – to reduce the setback from the centre line of a County Road from 17.5 metres to 13.25 metres.

Mr. Lundberg provided a summary of the planning report as it related to the proposed variance. Hiawatha First Nation has submitted comments requesting an archaeological assessment if there is to be any soil disturbance. Peterborough Public Health (PPH) has submitted comments that an existing sewage system review is required. The Kawartha Pine Ridge District School Board (KPRDSB) has submitted comments of no concern. The Otonabee Region Conservation Authority (ORCA) has submitted comment that an ORCA permit is required. The County of Peterborough has submitted comments of no concern. Greg Cebelak has provided written comments that, in his opinion, the proposed garage is too large and that the applicant should comply with existing zoning regulations. 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-31-23 related to lands described as being Part of Lot 1, Concession 4 (146 Fife's Bay Road) in the Smith Ward be received for information; and

That Minor Variance Application No. A-31-23 related to lands described as Part of Lot 1, Concession 4 (146 Fife's Bay 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 building height from 6 meters to 8.5 meters (to peak) for the proposed new garage.
2. With reference to Section 3.1.4 – Lot Coverage and Height - to increase the lot coverage for accessory structures from 5% to 6.5% for the proposed new garage.
3. With reference to Section 3.1.5.1(d) & 4.13.3(v) – Lakeshore Residential (LR) Zone Regulations – to reduce the minimum front yard setback from 7.5 meters to 3.25 meters for the proposed new garage.
4. With reference to Section 3.34 – Planned Width of Road – to reduce the setback from the centre line of a County Road from 17.5 metres to 13.25 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(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. 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-27-23

Committee Member Ron Black – Committee Member Mary Coulas –
That Minor Variances A-26-23, A-27-23, A-28-23, A-29-23, A-30-23 and A-31-23 be approved in accordance with all of the conditions noted therein.

Carried.

Deferred Matters & New Business

None.

Information

None.

Minutes

Resolution No. CA-28-23 – Minutes

Committee Member John Boyko – Committee Member Brian Henry –
That the minutes of the August 8, 2023 meeting No.08-23 be adopted.

Carried.

Adjournment

Resolution No. A-29-23 - Adjournment

Committee Member Ron Black – Committee Member Brian Henry -
That the meeting be adjourned at 12:55 p.m.

Carried.

The next Committee of Adjustment meeting will be scheduled for October 24, 2023.

Candace Massie
Development Approvals Technician