

Corporation of the Township of Selwyn

**Committee of Adjustment
Tuesday, November 28, 2023
Committee Meeting
Council Chambers, 1310 Centre Line**

Present: Sherry Senis (Chair)
John Boyko
Ron Black
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

Call To Order

The meeting was called to order by Committee Chair Sherry Senis at 12:15 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-32-23
Owner: John Holland
Agent: Holly Richards-Conley
Address: 1977 Pinehurst Avenue

Ms. Holly Richards-Conley 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 ± 43 m² addition to an existing dwelling.

1. With reference to Section 3.15.1 – High Water Mark Setback Provisions – to reduce the high-water mark setback from 30 metres to ± 10.9 metres.
2. With reference to Section 4.13.3(vii) – Lakeshore Residential Zone Regulations – to reduce the minimum interior side yard setback from 3 metres to 0 metres for 2 existing open decks as shown on the site plan showing proposed addition at 1977 Pinehurst Avenue prepared by JBF surveyors dated 25 October 2023.

Mr. Lundberg provided a summary of the planning report as it related to the proposed variance. The County of Peterborough Public Works Department has submitted comments of no concern. Hiawatha First Nation has submitted comments regarding a concern for archaeological resources. Archaeological Assessment has been completed and there were no issues or findings noted on the property. Otonabee Region Conservation Authority (ORCA) has submitted comments noting that a permit is required. Holly Richards-Conley was present virtually 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-32-23 related to lands described as being Part of Lot 18, Concession 11 (1977 Pinehurst Ave) in the Smith Ward be received for information; and

That Minor Variance Application No. A-32-23 related to lands described as Part of Lot 18, Concession 11 (1977 Pinehurst Ave) in the Smith Ward be approved as follows:

1. With reference to Section 3.15.1 – High Water Mark Setback Provisions – to reduce the high-water mark setback from 30 metres to ±10.9 metres.
2. With reference to Section 4.13.3(vii) – Lakeshore Residential Zone Regulations – to reduce the minimum interior side yard setback from 3 metres to 0 metres for 2 existing open decks as shown on the site plan showing proposed addition at 1977 Pinehurst Avenue prepared by JBF surveyors dated 25 October 2023.

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 / surveyor's report or surveyor's certificate completed by a Licensed Ontario 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. 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.
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-33-23**
Owner: Timothy Lee
Agent: Kevin Duguay
Address: 1740 Poplar Point Road

Mr. Kevin Duguay 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 replacement 909.5 ft² (84.49 m²) dwelling with a 563.98 ft² (52.39 m²) open deck.

Mr. Lundberg provided a summary of the planning report as it related to the proposed variance. The County of Peterborough Public Works Department has submitted comments of no concern. Hiawatha First Nation has submitted comments requesting an archeological assessment. Otonabee Region Conservation Authority (ORCA) has submitted comments noting that a permit is required. Mr. Kevin Duguay was present in support of the application. Mr. Edmond Eldebs attended virtually to make an inquiry about 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-33-23 related to lands described as being Part of Lot 17, Concession 9 & 10 (1740 Poplar Point Road) in the Smith Ward be received for information; and

That Minor Variance Application No. A-33-23 related to lands described as Part of Lot 17, Concession 9 & 10 (1740 Poplar Point Road) in the Smith Ward be approved as follows:

1. With reference to Section 3.15.1 – High Water Mark Setback Provisions – to reduce the high-water mark setback from 30 metres to 19.87 metres to a dwelling.
2. With reference to Section 3.15.1 – High Water Mark Setback Provisions – to reduce the high-water mark setback from 30 metres to 16.5 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(s) be required to obtain approval from Peterborough Public Health.
4. That the applicant provides the Township with a survey / surveyors report or certificate 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. 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 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-34-23
Owner: Claudio & Rosemary Rosada
Agent: N/A
Address: 2154 Fire Route 20

Mr. & Mrs. Rosada 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 replacement 65.4 m² garage.

1. With reference to Section 3.15 – High Water Mark Setback Provisions – to reduce the minimum high water mark setback from 30 meters to 17.77 meters to a replacement garage.

Mr. Lundberg provided a summary of the planning report as it related to the proposed variance. The County of Peterborough Public Works Department has submitted comments of no concern. Hiawatha First Nation has submitted comments requesting an archeological assessment. Otonabee Region Conservation Authority (ORCA) has submitted comments noting that a permit is required. Claudio & Rosemary Rosada attended virtually in support of their 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-34-23 related to lands described as being Part of Lot 29, Concession 18 (2154 Fire Route 20) in the Smith Ward be received for information; and

That Minor Variance Application No. A-34-23 related to lands described as Part of Lot 29, Concession 18 (2154 Fire Route 20) 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 meters to 17.77 meters to a replacement 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(s) be required to obtain approval from Peterborough Public Health.
4. That the applicant provides the Township with a survey / surveyors report or certificate 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. 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.

d) File No.: **A-35-23**
Owner: Bob Williams
Agent: Dan Powell
Address: 1180 Centre Line

Mr. Dan Powell 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 96 m² detached garage.

1. With reference to Section 3.1.4 – Lot Coverage and Height – to increase the height of an accessory detached garage from 6 metres to 8 metres.

Mr. Lundberg provided a summary of the planning report as it related to the proposed variance. The County of Peterborough Public Works Department has submitted comments of no concern. Hiawatha First Nation has submitted comments requesting an archeological assessment. Otonabee Region Conservation Authority (ORCA) has submitted comments noting that a permit is required. 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-35-23 related to lands described as being Part Lot 18, Concession 7 (1180 Centre Line) in the Smith Ward be received for information; and

That Minor Variance Application No. A-35-23 related to lands described as being Part Lot 18, Concession 7 (1180 Centre) in the Smith Ward be approved as follows:

1. With reference to Section 3.1.4 – Lot Coverage and Height – to increase the height of an accessory detached garage from 6 metres to 8 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(s) be required to obtain approval from the Otonabee Region Conservation Authority (ORCA).
5. Sedimentation and erosion control is to 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 variance is 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 variance is minor in nature.

e) File No.: A-37-23
Owner: Robb Anderson
Agent: N/A
Address: 1240 Centre Line

Mr. Robb Anderson 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 establish a second unit above an existing detached garage.

1. With reference to Section 3.41(g)(i) – Second Units – to increase the distance between a second unit building and a principal dwelling from 30 metres to 38.04 metres.
2. With reference to Section 3.41(g)(vii) – Second Units – to increase the permitted area of second unit in a detached building in the (RU) Zone from 60% of the footprint area of the principal dwelling to 99.9% of the footprint area of the principal dwelling being 1384 ft² (128.5 m²).

Mr. Lundberg provided a summary of the planning report as it relates to the proposed variance to legalize a second unit in an existing garage. The County of Peterborough Public Works Department has submitted comments of no concern. Hiawatha First Nation has submitted comments requesting an archeological assessment if there is to be any excavation. Otonabee Region Conservation Authority (ORCA) has submitted comments noting that a permit is required. 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-37-23 related to lands described as being Part Lot 18, Concession 7 (1240 Centre Line) in the Smith Ward be received for information; and

That Minor Variance Application No. A-37-23 related to lands described as being Part Lot 18, Concession 7 (1240) in the Smith Ward be approved as follows:

1. With reference to Section 3.41(g)(i) – Second Units – to increase the distance between a second unit building and a principal dwelling from 30 metres to 38.04 metres.
2. With reference to Section 3.41(g)(vii) – Second Units – to increase the permitted area of second unit in a detached building in the (RU) Zone from 60% of the footprint area of the principal dwelling to 99.9% of the footprint area of the principal dwelling being 1384 ft² (128.5 m²).

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. Sedimentation and erosion control is to be implemented, where appropriate, prior to, during and after construction until all unstable soil is vegetated.
6. That a second unit licence be obtained from the Township of Selwyn.

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-30-23

Committee Member Brian Henry – Committee Member Ron Black –

That Minor Variances A-32-23, A-33-23, A-34-23, A-35-23, and A-37-23 be approved in accordance with all of the conditions noted therein.

Carried.

f) File No.: A-36-23
Owner: Triple T Holdings
Agent: Neil Campbell
Address: 19-25 Hampton Lane

Mr. Neil Campbell 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 3 new condominium townhouse buildings (20 dwelling units). Building 1 is 1186.5 m² (12771 ft²), Building 2A is 1189.6 m² (12805 ft²) and Building 2B is 745.1 m² (8020 ft²). The three condominium townhouse buildings as described will replace two of the previously approved three 20-unit apartment buildings for this site. This revision is intended to ensure that the units align to current demands and are more marketable than the apartment units. This component of the development will now consist of the one 20-unit apartment building (already developed) and the 3 townhouse buildings with a total of 20 units.

The proposed townhouse development is established as a right by the (R3) zoning. The requested variances are needed to provide relief to recognize the proposed condominium townhouses as the original proposal was for an apartment building. Various reliefs are also needed on a general basis for the development while others are specific to a particular proposed unit such as variances #3, #4, #5, #6 and #7 which are setback reliefs needed due for the curvature of the internal road at those units. The balance of the reliefs requested would permit such things as:

- Smaller per unit exclusive use areas (#1)
- Front yard and side yard setback reliefs (#2, #8, #9) to accommodate the unit design based on the 'lot' area
- A rear yard setback relief to accommodate proposed decks (#10)
- Lot coverage and building separation reliefs (#11, #12 & #13) to accommodate the proposed building plans shown on the submitted site plan.

Mr. Lundberg provided a summary of the planning report as it related to the proposed variance. The County of Peterborough Public Works Department has submitted comments of no concern. Hiawatha First Nation has submitted comments requesting an archeological assessment; property is currently graded and heavily disturbed, so no archeological assessment is recommended. Otonabee Region Conservation Authority

(ORCA) has submitted comments noting that a permit is required. Mr. Lundberg advised that comments of support were received by residents Philip Henry and Reid Brownscombe and that comments of concern were received from resident Dorothy Couvier and Michael Perris. Neil Campbell (Aside Architects Inc.), the agent along with the applicant Bill Turner (TTT – Lilacs) were present in support of the application. Mr. Campbell provided an overview of the application and outlined the purpose of requested changes. Mr. Turner also spoke in support of the application, noting that once a decision on the minor variance application is made, residents in the Lilacs development will be provided with further information about the development plans. Mr. Reid Brownscombe attended the meeting virtually and stated no further questions regarding the application. Michael Perris and Rosemarie Arndt-Perris attended virtually, noting their opposition to the application, raising a number of concerns and requesting clarification on a number of the specifics related to the variance requests. Dorothy and Jim Couvier, attended virtually, noting their opposition of the application. Mrs. Couvier raised a number of concerns and requested clarification on a number of the specifics related to the variance requests. Lynda Forgie, Sandy White and Linda Lovewell were present virtually, but had no comments. 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-36-23 related to lands described as being RP 45R16393;PART 3 (19025 Hampton Lane) in the Lakefield Ward be received for information; and

That Minor Variance Application No. A-36-23 related to lands described as RP 45R16393;PART 3 (19-25 Hampton Lane) in the Lakefield Ward be approved as follows:

1. With reference to Section 4.11.3.2(i) – Townhouse Dwellings – to reduce the minimum lot area per unit from 270 m² to 220 m².
2. With reference to Section 4.11.3.2(iii) – Townhouse Dwellings – to reduce the minimum front yard setback from 7.5 metres to 7.0 metres
3. With reference to Section 4.11.3.2(iii) – Townhouse Dwellings – to reduce the minimum front yard setback from 7.5 metres to 4.6 metres for unit 13 of Building 2B as per the site plan (1.0.2) prepared by Aside Architects dated 11/07/23
4. With reference to Section 4.11.3.2(iii) – Townhouse Dwellings – to reduce the minimum front yard setback from 7.5 metres to 1.8 metres for unit 7 of Building 1 as per the site plan (1.0.1) prepared by Aside Architects dated 11/07/23
5. With reference to Section 4.11.3.2(iv) – Townhouse Dwellings – to reduce the minimum exterior side yard setback from 7.5 metres to 2.3 metres for unit 7 of Building 1 as per the site plan (1.0.1) prepared by Aside Architects dated 11/07/23
6. With reference to Section 4.11.3.2(v) – Townhouse Dwellings – to reduce the minimum interior side yard setback from 6 metres to 1.3 metres for units 8 (Building 2A) & 9 (Building 2B) as per the site plan (1.0.2) prepared by Aside Architects dated 10/27/23.
7. With reference to Section 4.11.3.2(v) – Townhouse Dwellings – to reduce the minimum interior side yard setback from 6 metres to 2.9 metres south of unit 13 of Building 2B as per the site plan (1.0.2) prepared by Aside Architects dated 10/27/23.
8. With reference to Section 4.11.3.2(v) – Townhouse Dwellings – to reduce the minimum interior side yard setback from 6 metres to 4.4 metres east of unit 1 of Building 1 as per the site plan (1.0.1) prepared by Aside Architects dated 11/07/23.
9. With reference to Section 4.11.3.2(v) – Townhouse Dwellings – to reduce the minimum interior side yard setback from 6 metres to 2.3 metres west of unit 7 of

Building 1 as per the site plan (1.0.1) prepared by Aside Architects dated 11/07/23.

10. With reference to Section 4.11.3.2(vi) – Townhouse Dwellings – to reduce the minimum rear yard setback from 7.5 metres to 3 metres.
11. With reference to Section 4.11.3.2(vi) – Townhouse Dwellings – to increase the maximum lot coverage (all building and structures) from 40% to 60% as per the site plans (1.0, 1.0.1 and 1.0.2) prepared by Aside Architects dated 11/07/23.
12. With reference to Section 4.11.3.2.1(i)(ii) & (iii) – Townhouse Dwellings Minimum Spatial Separation Requirements – to decrease the minimum distance between two exterior walls of buildings with or without windows to 2.6 metres between units 8 (Building 2A) & 9 (Building 2B) as per the site plan (1.0.2) prepared by Aside Architects dated 11/07/23.
13. With reference to Section 4.11.3.2.1(i)(ii) & (iii) – Townhouse Dwellings Minimum Spatial Separation Requirements – to decrease the minimum distance between two exterior walls of buildings with or without windows to 3.5 metres between unit 13 of Building 2B and the single detached dwelling to the south as per the site plan (1.0.2) prepared by Aside Architects dated 11/07/23.

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. 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-31-23

Committee Member Brian Henry – Committee Member John Boyko –
That Minor Variances A-36-23 be approved in accordance with all of the conditions noted therein.

Carried.

Deferred Matters & New Business

None.

Information

None.

Minutes

Resolution No. CA-32-23 – Minutes

Committee Member John Boyko – Committee Member Mary Coulas –
That the minutes of the September 26, 2023 meeting No.09-23 be adopted.

Carried.

Adjournment

Resolution No. A-33-23 - Adjournment

Committee Member Ron Black – Committee Member Brian Henry -
That the meeting be adjourned at 1:05 p.m.

Carried.

The next Committee of Adjustment meeting will be scheduled for December 12, 2023.

Per Lundberg, M.Pl., MCIP, RPP
Planner