

Corporation of the Township of Selwyn

**Committee of Adjustment
Tuesday, February 27, 2024
Committee Meeting
Council Chambers, 1310 Centre Line**

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

Staff Present: Angela Chittick, Clerk / Manager of Community and Corporate Services
Michelle Thornton, Deputy Treasurer/ I.T Coordinator
Robert Kelly, Manager of Building and Planning
Per Lundberg, Planner
Gord Jopling, Fire Chief
Adam Tobin, Manager of Public Works
Mike Richardson, Manager of Recreation Services

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

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 2 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-01-24
Owner: Gwen Rose
Agent:
Address: 1592 Fire Route 6 – Smith Ward

Gwen Rose 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 to permit a 360 ft² (33.6 m²) sunroom addition and a 240 ft² (22.3 m²) open deck addition to an existing dwelling.

1. With reference to Section 3.15 – High Water Mark Setback Provisions – to reduce the minimum high water mark setback from 30 meters to ± 16.7 meters to a sunroom addition to an existing dwelling.
2. With reference to Section 3.15 – High Water Mark Setback Provisions – to reduce the minimum high water mark setback from 30 meters to ± 12.8 meters to an open deck addition to an existing dwelling.

Mr. Lundberg provided a summary of the planning report as it related to the proposed variance. Otonabee Region Conservation Authority (ORCA) has submitted comments of no concern and stated that a permit is required. The County of Peterborough Public Works Department has submitted comments of no concern. Two neighbors were in attendance noting no concerns. 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-01-24 related to lands described as being Part of Lot 16, Concession 9 (1592 Fire Route 6) in the Smith Ward be received for information; and

That Minor Variance Application No. A-01-24 related to lands described as Part of Lot 16, Concession 9 (1592 Fire Route 6) 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 ± 16.7 meters to a sunroom addition to an existing dwelling.
2. With reference to Section 3.15 – High Water Mark Setback Provisions – to reduce the minimum high water mark setback from 30 meters to ± 12.8 meters to an open deck addition 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 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.
8. That if there is to be any soil disturbance or excavation of any undisturbed areas in accordance with MTCS 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-02-24**
Owner: Eric & Lorna Cotter
Agent: Holly Richards - Connelly
Address: 1464 Kingfisher Drive – Ennismore Ward

Eric & Lorna Cotter 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 to permit a ±98 m² (±1055 ft²) detached garage, as constructed. The requested variances are required to grant permission to an as-constructed detached garage which was not built in accordance with the setback granted through minor variance file no A-06-19.

1. With reference to Section 4.13.3(vi) – Lakeshore Residential Zone Regulations – to reduce the minimum exterior side yard setback from 7.5 metres to 1.62 metres.
2. With reference to Section 3.34 – Planned Width of Road – to reduce the minimum setback from the centre line of a public road from 17.5 metres to 11.62 metres.
3. With reference to Section 3.1.1(c) – Accessory Buildings, Structures and Uses – to increase the number of accessory structures permitted on a lot from 3 to 4.

Mr. Lundberg provided a summary of the planning report as it related to the proposed variance. Peterborough Public Health submitted comments of no concern. Otonabee Region Conservation Authority (ORCA) has submitted comments of no concern and stated that a permit is not needed for this application.

Decision

That the report of the Planner regarding Minor Variance Application No. A-02-24 related to lands described as being Part of Lots 2 & 3, Concession 9 (1464 Kingfisher Drive) in the Ennismore Ward be received for information; and

That Minor Variance Application No. A-02-24 related to lands described as Part of Lots 2 & 3, Concession 9 (1464 Kingfisher Drive) in the Ennismore Ward be approved as follows:

1. With reference to Section 4.13.3(vi) – Lakeshore Residential Zone Regulations – to reduce the minimum exterior side yard setback from 7.5 metres to 1.62 metres.
2. With reference to Section 3.34 – Planned Width of Road – to reduce the minimum setback from the centre line of a public road from 17.5 metres to 11.62 metres.
3. With reference to Section 3.1.1(c) – Accessory Buildings, Structures and Uses – to increase the number of accessory structures permitted on a lot from 3 to 4.

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.

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.

Resolution No. CA-01-24

Committee Member Mary Coulas – Committee Member Ron Black –
That Minor Variances A-01-24 and A-02-24 be approved in accordance with all of the conditions noted therein.

Carried.

Deferred Matters & New Business

None.

Information

None.

Minutes

Resolution No. CA-02-24 – Minutes

Committee Member Brian Henry – Committee Member John Boyko –
That the minutes of the December 12, 2023 meeting No.12-23 be adopted.

Carried.

Adjournment

Resolution No. A-03-24 - Adjournment

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

Carried.

The next Committee of Adjustment meeting will be scheduled for March 26, 2024.

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