

Corporation of the Township of Selwyn

**Committee of Adjustment
Tuesday, April 23, 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
Tania Goncalves, Deputy Clerk
Robert Kelly, Manager of Building and Planning
Per Lundberg, Planner
Gord Jopling, Fire Chief
Janice Lavalley, Chief Administrative Officer

Call To Order

The meeting was called to order by Committee Chair Sherry Senis at 12:52 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 4 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-04-24
Owner: Teja and Graydon Crowley
Agent: Holly Richards-Conley
Address: 3259 Fire Route 50 – Smith Ward

Teja and Graydon Crowley 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 the re-development of the subject lands with a new 337.1 m² (3628.5 ft²) dwelling including an attached garage, screened room and open deck.

1. With reference to Section 4.13.3(vii) – Lakeshore Residential Zone Regulations – to reduce the minimum interior side yard setback from 3.0 metres to 1.56 metres.
2. With reference to Section 4.13.3(xi) – Lakeshore Residential Zone Regulations – to increase the maximum lot coverage (all buildings and structures) from 20% to 21%.
3. With reference to Section 3.15 – Highwater Mark Setback Provisions – to reduce the minimum highwater mark setback from 30 metres to ± 13.1 metres to a dwelling.
4. With reference to Section 3.15 – Highwater Mark Setback Provisions – to reduce the minimum highwater mark setback from 30 metres to ± 12.5 metres to an open deck.

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. The County of Peterborough Public Works Department has submitted comments of no concern. Owner Teja Crowley was present virtually in support of the application and advised that the archeological assessment has been 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-04-24 related to lands described as being Plan 52 Lot 2 (3259 Fire Route 50) in the Smith Ward be received for information; and

That Minor Variance Application No. A-04-24 related to lands described as Plan 52 Lot 2 (3259 Fire Route 50) in the Smith Ward be approved as follows:

1. With reference to Section 4.13.3(vii) – Lakeshore Residential Zone Regulations – to reduce the minimum interior side yard setback from 3.0 metres to 1.56 metres.
2. With reference to Section 4.13.3(xi) – Lakeshore Residential Zone Regulations – to increase the maximum lot coverage (all buildings and structures) from 20% to 21%.
3. With reference to Section 3.15 – Highwater Mark Setback Provisions – to reduce the minimum highwater mark setback from 30 metres to ± 13.1 metres to a dwelling.
4. With reference to Section 3.15 – Highwater Mark Setback Provisions – to reduce the minimum highwater mark setback from 30 metres to ± 12.5 metres to an open deck.

Conditions

1. That the applicant(s) obtain the necessary septic system and building permits, 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 or certificate completed by an Ontario Licensed Land Surveyor at the foundation stage of construction.
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. 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. 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-05-24**
Owner: Brian Higgins & Dinah Arviko
Agent: Holly Richards - Conley
Address: 2634 Fire Route 38 – Smith Ward

Brian Higgins & Dinah Arviko 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 the re-development of the subject lands with a new 163.3 m² (1758 ft²) dwelling including a screened porch and covered front entrance.

1. With reference to Section 3.15 – Highwater Mark Setback Provisions – to reduce the minimum highwater mark setback from 30 metres to ±13.3 metres to a 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 noted that a permit is required. The County of Peterborough Public Works Department has submitted comments of no concern. Owner Brian Higgins was present virtually in support of the application and advised that the archeological assessment is underway. 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-05-24 related to lands described as being Part Lot 34, Concession 15 (2634 Fire Route 38) in the Smith Ward be received for information; and

That Minor Variance Application No. A-05-24 related to lands described as Part Lot 34, Concession 15 (2634 Fire Route 38) in the Smith Ward be approved as follows:

1. With reference to Section 3.15 – Highwater Mark Setback Provisions – to reduce the minimum highwater mark setback from 30 metres to ± 13.3 metres to a dwelling.

Conditions

1. That the applicant(s) obtain the necessary septic system and building permits, 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 or certificate completed by an Ontario Licensed Land Surveyor at the foundation stage of construction.
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. 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. 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.

c) File No.: A-06-24
Owner: Lee Churchill
Agent: N/A
Address: 326 Fife Ave. – Smith Ward

Lee Churchill 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 7.2 m² (77.5 ft²) open deck addition to an existing deck

1. With reference to Section 3.15 – Highwater Mark Setback Provisions – to reduce the minimum highwater mark setback from 30 metres to ± 28.5 metres to an open deck.

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 noting that a permit may be required. The County of Peterborough Public Works Department 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-06-24 related to lands described as being Part Lot 5, Concession 5 (326 Fife Ave.) in the Smith Ward be received for information; and

That Minor Variance Application No. A-06-24 related to lands described as Part Lot 5, Concession 5 (326 Fife Ave.) in the Smith Ward be approved as follows:

1. With reference to Section 3.15 – Highwater Mark Setback Provisions – to reduce the minimum highwater mark setback from 30 metres to ± 28.5 metres to an open deck.

Conditions

1. That the applicant(s) obtain the necessary septic system and building permits, 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 or certificate completed by an Ontario Licensed Land Surveyor at the foundation stage of construction.
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. 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.

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.

d) File No.: A-07-24
Owner: John Stabler
Agent: N/A
Address: 9 Burnham Street – Lakefield Ward

John Stabler 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 65.1 m² (701 ft²) dwelling addition and a 56.9 m² (613 ft²) covered porch.

1. With reference to Section 3.28.3 – Exterior Extension of a legal non-conforming use – to permit the proposed development as stated above for the exterior extension of a legal non-conforming use (i.e. residential dwelling). The subject property is zoned Local Commercial (C2) which does not permit a primary residential use of the subject lands. The existing residential dwelling is an established legal non-conforming use.

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 noted that a permit is not required. The County of Peterborough Public Works Department 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-07-24 related to lands described as being Plan 15 Lot 5 PT Lot 4 S; Burn W Queen (9 Burnham Street) in the Lakefield Ward be received for information; and

That Minor Variance Application No. A-07-24 related to lands described as Plan 15 Lot 5 PT Lot 4 S; Burn W Queen (9 Burnham Street) in the Lakefield Ward be approved as follows:

1. With reference to Section 3.28.3 – Exterior Extension of a legal non-conforming use – to permit the exterior extension of a legal non-conforming use (i.e. residential dwelling) with a 65.1 m² (701 ft²) dwelling addition and a 56.9 m² (613 ft²) covered porch.

Conditions

1. That the applicant(s) obtain the necessary septic system and/or building permits 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 or certificate completed by an Ontario Licensed Land Surveyor at the foundation stage of construction.
4. That the applicant(s) be required to obtain a building permit notice under the Clean Water Act from the Risk Management Official at the Otonabee Region Conservation Authority.
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 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.

Resolution No. CA-04-24

Committee Member Brian Henry– Committee Member John Boyko –
That Minor Variances A-04-24, A-05-24, A-06-24 and A-07-24 be approved in accordance with all of the conditions noted therein.

Carried.

Deferred Matters & New Business

None.

Information

None.

Minutes

Resolution No. CA-05-24 – Minutes

Committee Member Ron Black – Committee Member John Boyko –
That the minutes of the February 27, 2024 meeting No.02-24 be adopted.

Carried.

Adjournment

Resolution No. A-06-24 - Adjournment

Committee Member Brian Henry – Committee Member Ron Black -
That the meeting be adjourned at 1:07 p.m.

Carried.

The next Committee of Adjustment meeting will be scheduled for May 28, 2024.

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