

Corporation of the Township of Selwyn

**Committee of Adjustment
Tuesday, May 28, 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
Adam Tobin, Manager of Public Works
Janice Lavalley, Chief Administrative Officer

Call To Order

The meeting was called to order by Committee Chair Sherry Senis at 12:45 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 3 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-08-24
Owner: G.B. Rental Ltd.
Agent: Holly Richards-Conley
Address: 104 Bridge Street – Lakefield Ward

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 to permit a 64.7 m² (696 ft²) detached second dwelling unit including a covered front porch.

1. With reference to Section 3.41(g)(vi) – to increase the footprint area of the second dwelling unit from 40% to 55% of the footprint area of the principal dwelling.
2. With reference to Section 4.5.2(a) & 4.9.3(vi) – to decrease the minimum rear yard setback from the (EP) Zone line from 7.5 metres to 6.4 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. Otonabee Region Conservation Authority (ORCA) has submitted comments of no concern and noted that a permit is required and a Clean Water Act notice will be required. Agent 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-08-24 related to lands described as being Part Lot 27, Concession 8 (104 Bridge Street) in the Lakefield Ward be received for information; and

That Minor Variance Application No. A-08-24 related to lands described as Part Lot 27, Concession 8 (104 Bridge Street) in the Lakefield Ward be approved as follows:

1. With reference to Section 3.41(g)(vi) – to increase the footprint area of the second dwelling unit from 40% to 55% of the footprint area of the principal dwelling.
2. With reference to Section 4.5.2(a) & 4.9.3(vi) – to decrease the minimum rear yard setback from the (EP) Zone line from 7.5 metres to 6.4 metres.

Conditions

1. That the applicant(s) obtain the necessary septic system and/or building permits for the proposed construction.
2. That a second unit licence be obtained for the proposed 2nd dwelling unit in accordance with the Township's Second Unit licencing by-law 2009-088, as amended.
3. That the applicant(s) be required to obtain approval from the Otonabee Region Conservation Authority (ORCA).
4. 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).
5. 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.
6. 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.
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 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-09-24
Owner: Megan Currie
Agent: N/A
Address: 3103 Cottage Lane – Smith Ward

Megan Currie 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 redevelopment of the subject property with a ± 200 m² (± 2153 ft²) 2-storey single detached dwelling including a covered deck, as follows:

1. With reference to Section 3.15 – Highwater Mark Setback Provisions – to reduce the minimum highwater mark setback from 30 metres to ± 16.8 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 Megan Currie was present virtually in support of the application. Neighbour Desmond Reynolds was present virtually to ask questions about the septic location. Mr. Lundberg advised that the building permit stage will address any issues with the septic system and that a public meeting was not required to determine the location of the septic system. Mr. Reynolds had no further concerns and is not opposed to 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-09-24 related to lands described as being Plan 55 S PT Lot 5 (3103 Cottage Lane) in the Smith Ward be received for information; and

That Minor Variance Application No. A-09-24 related to lands described as PLAN 55 S PT Lot 5 (3103 Cottage Lane) 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 ± 16.8 metres to a dwelling.

Conditions

1. That the applicant(s) obtain the necessary building and septic system 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. 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.
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.

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-11-24
Owner: Julia Mannard
Agent: N/A
Address: 1057 Primrose Lane – Smith Ward

Julia Mannard 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 114.1 m² (1228.2 ft²) detached garage, as follows :

1. With reference to Section 3.1.5.1(d) & 4.13.3(v)– to decrease the minimum front yard setback from 7.5 metres to 1.2 metres.

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 will be required. The County of Peterborough Public Works Department has submitted comments of no concern. Julia Mannard was present in person 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-11-24 related to lands described as being Part Lot 28, Concession 6 (1057 Primrose Lane) in the Smith Ward be received for information; and

That Minor Variance Application No. A-11-24 related to lands described as Part Lot 28, Concession 6 (1057 Primrose Lane) in the Smith Ward be approved as follows:

1. With reference to Section 3.1.5.1(d) & 4.13.3(v)– to decrease the minimum front yard setback from 7.5 metres to 1.2 metres.

Conditions

1. That the applicant(s) obtain the necessary building and/or septic system 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. 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.
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.

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-07-24

Committee Member Ron Black– Committee Member Mary Coulas –
That Minor Variances A-08-24, A-09-24, and A-11-24 be approved in accordance with all of the conditions noted therein.

Carried.

Deferred Matters & New Business

None.

Information

None.

Minutes

Resolution No. CA-08-24 – Minutes

Committee Member John Boyko – Committee Member Mary Coulas –

That the minutes of the April 23, 2024 meeting No.03-24 be adopted.

Carried.

Adjournment

Resolution No. A-09-24 - Adjournment

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

Carried.

The next Committee of Adjustment meeting will be scheduled for June 25, 2024.

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

DRAFT