

Corporation of the Township of Selwyn

**Committee of Adjustment
Tuesday, July 16, 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

Call To Order

The meeting was called to order by Committee Chair Sherry Senis at 12:40 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-10-24
Owner: Herald Chung
Agent: Tony Yu
Address: 2420 Upper Chemong Drive – Smith Ward

Herald Chung 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 $\pm 55.5 \text{ m}^2$ ($\pm 597 \text{ ft}^2$) two-storey dwelling addition including a 3.7 m^2 (40 ft^2) covered rear deck and a 6.5 m^2 (70 ft^2) covered front porch.

1. With reference to Section 3.15 – Highwater Mark Setback Provisions – to reduce the minimum highwater mark setback from 30 metres to ± 8.1 metres to an addition including a covered rear deck.

Mr. Lundberg provided a summary of the planning report as it related to the proposed variance. Comments of no concern were submitted by Bell Canada, Kawartha Pine Ridge District School Board (KPRDSB), and the County of Peterborough Public Works Department. Otonabee Region Conservation Authority (ORCA) has submitted comments of no concern and noted that permits will be required. Agent Tony Yu 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-10-24 related to lands described as being Part Lot 25, Concession 13 (2420 Upper Chemong Drive) in the Smith Ward be received for information; and

That Minor Variance Application No. A-10-24 related to lands described as Part Lot 25, Concession 13 (2420 Upper Chemong Drive) 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 ± 8.1 metres to an addition including a covered rear deck.

Conditions

1. That the applicant(s) obtain the necessary building permit and septic system review or approval 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 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-13-24**
Owner: Vinu Patel
Agent: N/A
Address: 1530 Westview Crescent – Smith Ward

Vinu Patel 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 property with a 338.1 m² (3639 ft²) single detached dwelling including a 77.9 m² (839 ft²) open deck and a 49.9 m² (537 ft²) attached garage as well as a ±21 m² (226 ft²) second storey balcony and a 61.4 m² (661 ft²) boat house.

1. With reference to Section 3.15 – Highwater Mark Setback Provisions – to reduce the minimum highwater mark setback from 30 metres to ±23 metres to an open deck.
2. With reference to Section 3.15 – Highwater Mark Setback Provisions – to reduce the minimum highwater mark setback from 30 metres to ±27.7 metres to a dwelling.
3. With reference to Section 3.1.6.1(a) – Boat Houses – to reduce the minimum side yard setback from 5 metres to 1.67 metres.
4. 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 28%.

Mr. Lundberg provided a summary of the planning report as it related to the proposed variance. Comments of no concern were submitted by Bell Canada, Kawartha Pine Ridge District School Board (KPRDSB), and the County of Peterborough Public Works Department. Otonabee Region Conservation Authority (ORCA) has submitted comments of no concern and noted that permits will be required. Owner Vinu Patel 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-13-24 related to lands described as being Part Lot 21, Concession 15 (1530 Westview Crescent) in the Smith Ward be received for information; and

That Minor Variance Application No. A-13-24 related to lands described as Part Lot 21, Concession 15 (1530 Westview Crescent) 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 ±23 metres to an open deck.

2. With reference to Section 3.15 – Highwater Mark Setback Provisions – to reduce the minimum highwater mark setback from 30 metres to ± 27.7 metres to a dwelling.
3. With reference to Section 3.1.6.1(a) – Boat Houses – to reduce the minimum side yard setback from 5 metres to 1.67 metres.
4. 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 28%.

Conditions

1. That the applicant(s) obtain the building permit and septic system review or approval 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 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.

c) File No.: A-14-24
Owner: Cheryl Worboy
Agent: Barbara Waldron
Address: 3129 Fire Route 19. – Smith Ward

Cheryl Worboy 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 62.43 m² (672 ft²) attached garage addition to an existing dwelling.

1. With reference to Section 3.15 – Highwater Mark Setback Provisions – to reduce the minimum highwater mark setback from 30 metres to ± 15.24 metres to an existing dwelling.

Mr. Lundberg provided a summary of the planning report as it related to the proposed variance. Comments of no concern were submitted by Bell Canada, Kawartha Pine Ridge District School Board (KPRDSB), and the County of Peterborough Public Works Department. Otonabee Region Conservation Authority (ORCA) has submitted comments of no concern and recommended the approval authority ensure that grading and stabilization are reviewed at building permit stage. Mr. Lundberg stated that an archaeological assessment has been completed and no artifacts were found. Agent Barbara Waldron was present virtually in support of the application and confirmed that an archaeological assessment was completed in consultation with Curve Lake First Nation. 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-14-24 related to lands described as being Part Lots 25 & 26, Concession 17 (3129 Fire Route 19) in the Smith Ward be received for information; and

That Minor Variance Application No. A-14-24 related to lands described as Part Lots 25 & 26, Concession 17 (3129 Fire Route 19) 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 ± 15.24 metres to an existing dwelling.

Conditions

1. That the applicant(s) obtain the necessary building permit and septic system review or approval 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. Site grading and stabilization details are reviewed by the permitting authority as per comments from the Otonabee Region Conservation Authority dated July 11, 2024.
4. Sedimentation and erosion control is to be implemented, where appropriate, prior to, during and after construction until all unstable soil is vegetated.
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.

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-15-24
Owner: Trevor & Kendra Burgomaster
Agent: Paul Hudder
Address: 283 Arnott Drive – Ennismore Ward

Trevor & Kendra Burgomaster 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 46.8 m² (504 ft²) attached garage addition, a 19.9 m² (214 ft²) covered front porch addition, a 23.4 m² (252 ft²) dwelling addition and a 13.9 m² (150 ft²) open deck extension to an existing dwelling.

1. With reference to Section 3.15 – Highwater Mark Setback Provisions – to reduce the minimum highwater mark setback from 30 metres to ±19 metres to an open deck extension to an existing open deck.
2. With reference to Section 4.13.3(xi) – Lakeshore Residential (LR) Zone Regulations – to increase the maximum lot coverage (all buildings & structures from 20% to 25%.
3. With reference to Section 4.13.3(v) – Lakeshore Residential (LR) Zone Regulations – to decrease the minimum front yard setback from 7.5 metres to 7.37 metres to a dwelling addition.
4. With reference to Section 4.13.3(v) – Lakeshore Residential (LR) Zone Regulations – to decrease the maximum front yard setback from 7.5 metres to 6.31 metres to a garage addition to an existing dwelling.

Mr. Lundberg provided a summary of the planning report as it related to the proposed variance. Comments of no concern were submitted by Bell Canada, Kawartha Pine Ridge District School Board (KPRDSB), the County of Peterborough Public Works Department and the Otonabee Region Conservation Authority (ORCA). Owner Kendra Burgomaster 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-15-24 related to lands described as being Part Lot 4, Concession 1 (283 Arnott Drive) in the Ennismore Ward be received for information; and

That Minor Variance Application No. A-15-24 related to lands described as Part Lot 4, Concession 1 (283 Arnott Drive) in the Ennismore 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 ±19 metres to an open deck extension to an existing open deck.
2. With reference to Section 4.13.3(xi) – Lakeshore Residential (LR) Zone Regulations – to increase the maximum lot coverage (all buildings & structures from 20% to 25%.
3. With reference to Section 4.13.3(v) – Lakeshore Residential (LR) Zone Regulations – to decrease the minimum front yard setback from 7.5 metres to 7.37 metres to a dwelling addition.

4. With reference to Section 4.13.3(v) – Lakeshore Residential (LR) Zone Regulations – to decrease the maximum front yard setback from 7.5 metres to 6.31 metres to a garage addition to an existing dwelling.

Conditions

1. That the applicant(s) obtain the necessary building permit and septic system review or approval 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. Sedimentation and erosion control is to be implemented, where appropriate, prior to, during and after construction until all unstable soil is vegetated.
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.
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. (The Planning Department notes that an archaeological assessment has been completed).

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-13-24

Committee Member Ron Black– Committee Member Mary Coulas –
That Minor Variances A-10-24, A-13-24, A-14-24 and A-15-24 be approved in accordance with all of the conditions noted therein.

Carried.

Deferred Matters & New Business

None.

Information

None.

Minutes

Resolution No. CA-14-24 – Minutes

Committee Member Mary Coulas – Committee Member Brian Henry –

That the minutes of the June 25, 2024 meeting No.05-24 be adopted.

Carried.

Adjournment

Resolution No. A-15-24 - Adjournment

Committee Member Brian Henry – Committee Member Ron Black -

That the meeting be adjourned at 12:53 p.m.

Carried.

The next Committee of Adjustment meeting will be scheduled for August 13, 2024.

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