

Corporation of the Township of Selwyn

**Committee of Adjustment
Tuesday, August 13, 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
Breanna Guiotto, Economic Development Coordinator
Mike Richardson, Manager of Recreation Services

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-16-24
Owner: Eric McClenaghan
Agent: Nathan Baldwin
Address: 882 Settlers Trail – Ennismore Ward

Eric McClenaghan 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 new 55.78 m² (600.4 ft²) detached garage.

1. With reference to Section 3.1.5.1(d) & 4.12.3(v) – Garages & Lakeshore Residential (LR) Zone regulations – to reduce the minimum exterior side yard setback from 10 metres to 1.5 metres.
2. With reference to Section 3.34(b) – Planned Width of Road – to reduce the setback from the centre line of a Township Road from 20 metres to 11.5 metres.

Mr. Lundberg provided a summary of the planning report as it related to the proposed variance. Comments of no concern were submitted by the County of Peterborough Public Works Department and Otonabee Region Conservation Authority (ORCA). Agent Nathan Baldwin was present virtually in support of the application. Four (4) neighbours provided comments of concern for the proposed garage. Neighbours Paul & Joanne Gimblett at 875 Settlers Trail, have concerns regarding safety as the subject property is on a school bus route. They also noted concerns around visibility and traffic flow at the intersection of Foley Road and Settlers Trail, and snow removal. They recommended that a 3-way stop at the applicant's expense could be a solution and asked for a deferral of the decision. Neighbour Joanne Smith at 873 Settlers Trail, has concerns regarding safety of the children getting on and off the school bus at the intersection, and negative adverse effects for the neighbour of 882 Settlers Trail on the side where the garage will be built. Neighbour Nancy Battaglia at 879 Settlers Trail, has concerns regarding safety for children, adults, and dog walkers. She has requested that the proposed site of the garage be staked so that neighbours can provide adequate comments regarding the location of the proposal. They noted that the site plan and elevation drawings for the proposed garage were technical in nature and difficult for laypeople to understand, making it difficult to provide an informed decision. Neighbour Rossina Malik at 888 Settlers Trail, has concerns over sightlines for her children who will be of driving age soon noting concerns regarding entering and exiting her driveway. Mr. Lundberg provided comments to clarify the proposed garage location and answered any 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-16-24 related to lands described as being Part Lot 12, Concession 4 (882 Settlers Trail) in the Ennismore Ward be received for information; and

That Minor Variance Application No. A-16-24 related to lands described as Part Lot 12, Concession 4 (882 Settlers Trail) in the Ennismore Ward be approved as follows:

1. With reference to Section 3.1.5.1(d) & 4.12.3(v) – Garages & Lakeshore Residential (LR) Zone regulations – to reduce the minimum exterior side yard setback from 10 metres to 1.5 metres.
2. With reference to Section 3.34(b) – Planned Width of Road – to reduce the setback from the centre line of a Township Road from 20 metres to 11.5 metres.

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. 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.

b) File No.: **A-17-24**
Owner: Luke Mueller & Leigh-Ann Kellock
Agent: Holly Richards-Conley
Address: 2166 Fire Route 20 – Smith Ward

Luke Mueller & Leigh-Ann Kellock 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 new $\pm 20 \text{ m}^2$ ($\pm 65 \text{ ft}^2$) front entry addition.

1. With reference to Section 3.15 – Highwater Mark Setback Provisions – to reduce the minimum highwater mark setback from 30 metres to ± 10.7 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 the County of Peterborough Public Works Department. Otonabee Region Conservation Authority (ORCA). 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-17-24 related to lands described as being Part Lot 29, Concession 18 (2166 Fire Route 20) in the Smith Ward be received for information; and

That Minor Variance Application No. A-17-24 related to lands described as Part Lot 29, Concession 18 (2166 Fire Route 20) 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 ± 10.7 metres to an existing dwelling.

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. 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.

c) File No.: **A-18-24**
Owner: Donna Rork
Agent: Andrew Rork
Address: 37 Concession Street – Lakefield Ward

Donna and Andrew Rork 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 three (3) 29.62 m² shipping containers for storage.

1. With reference to Section 3.1.8.2(e) – Shipping Containers in Commercial Zones – to reduce the minimum lot area required from 0.4 hectares to 0.25 ha.
2. With reference to Section 3.1.8.2(f) – Shipping Containers in Commercial Zones – to increase the number of shipping containers permitted on a lot from 1 per 0.4 ha to 3 per 0.25 ha.
3. With reference to Section 3.1.2(b) and 4.16.4(v) – Accessory Structure & Local Commercial (C2) Zone regulations – to reduce the exterior side yard setback from 6 metres to 0.6 metres to an accessory structure.
4. With reference to Section 3.1.2(b) and 4.16.4(iv) – Accessory Structure & Local Commercial (C2) Zone regulations – to reduce the front yard setback from 6 metres to 3.4 metres to an accessory structure.
5. With reference to Section 3.1.2(b) – Accessory Structure regulations – to reduce the rear and interior side yard setback, as applicable, from 3 metres to 0.6 metres to an accessory structure.
6. With reference to Section 3.34(b) & 4.16.4.1 – Planned Width of Road & Additional Regulations for the former Village of Lakefield – to reduce the

minimum setback from the centre line of a public road (Stanley Street) from 13 metres to ± 5.6 metres to an accessory structure.

Mr. Lundberg provided a summary of the planning report as it related to the proposed variance. Comments of no concern were submitted by the County of Peterborough Public Works Department and Otonabee Region Conservation Authority (ORCA). Applicants Donna and Andrew Rork were 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-18-24 related to lands described as being Part Lot 17, Concession 8 (37 Concession Street) in the Lakefield Ward be received for information; and

That Minor Variance Application No. A-18-24 related to lands described as Part Lot 17, Concession 8 (37 Concession Street) in the Lakefield Ward be approved as follows:

1. With reference to Section 3.1.8.2(e) – Shipping Containers in Commercial Zones – to reduce the minimum lot area required from 0.4 hectares to 0.25 ha.
2. With reference to Section 3.1.8.2(f) – Shipping Containers in Commercial Zones – to increase the number of shipping containers permitted on a lot from 1 per 0.4 ha to 3 per 0.25 ha.
3. With reference to Section 3.1.2(b) and 4.16.4(v) – Accessory Structure & Local Commercial (C2) Zone regulations – to reduce the exterior side yard setback from 6 metres to 0.6 metres to an accessory structure.
4. With reference to Section 3.1.2(b) and 4.16.4(iv) – Accessory Structure & Local Commercial (C2) Zone regulations – to reduce the front yard setback from 6 metres to 3.4 metres to an accessory structure.
5. With reference to Section 3.1.2(b) – Accessory Structure regulations – to reduce the rear and interior side yard setback, as applicable, from 3 metres to 0.6 metres to an accessory structure.
6. With reference to Section 3.34(b) & 4.16.4.1 – Planned Width of Road & Additional Regulations for the former Village of Lakefield – to reduce the minimum setback from the centre line of a public road (Stanley Street) from 13 metres to ± 5.6 metres to an accessory structure.

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 of certificate completed by a licensed Ontario Land Surveyor to verify compliance with the approved minor variance(s).

4. That the applicant provide the Township with a survey prepared by a licensed Ontario Land Surveyor verifying the boundaries of the subject property.
5. 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-16-24

Committee Member Brian Henry – Committee Member John Boyko –
That Minor Variances A-16-24, A-17-24, and A-18-24 be approved in accordance with all of the conditions noted therein.

Carried.

Deferred Matters & New Business

None.

Information

None.

Minutes

Resolution No. CA-17-24 – Minutes

Committee Member Mary Coulas – Committee Member Ron Black –
That the minutes of the July 16, 2024 meeting No.06-24 be adopted.

Carried.

Adjournment

Resolution No. A-18-24 - Adjournment

Committee Member Mary Coulas – Committee Member Ron Black –
That the meeting be adjourned at 1:03 p.m.

Carried.

The next Committee of Adjustment meeting will be scheduled for September 24, 2024.

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