

Corporation of the Township of Selwyn

**Committee of Adjustment
Tuesday, September 24, 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
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 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.

Mr. Lundberg stated that if a person or public body would otherwise have the ability to appeal the decision of the Committee of Adjustment of the Township of Selwyn but does not make oral submissions at a public hearing or make written submissions to the Committee of Adjustment before the committee gives or refuses to give approval to the application, the person or public body is not entitled to appeal the decision to the Ontario Land Tribunal. If a person or public body does not make oral submissions at a public meeting or make written submissions to the Committee of Adjustment of the Township of Selwyn in respect to the proposed variances before the committee gives or refuses to give the approval to the applications, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless in the opinion of the Tribunal there are reasonable grounds to do so. If you wish to be notified of the decision of the Committee of Adjustment, you must make written submission or request to the Secretary-Treasurer of the Committee of Adjustment providing your name, address and email address.

a) File No.: A-19-24
Owner: Dave Walker
Agent: N/A
Address: 2814 Antelope Trail – Smith Ward

Dave Walker 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 replacement and expansion of an existing garage with a new 82.9 m² (892.3 ft²) detached garage.

1. With reference to Section 3.1.4 – Lot Coverage and Height for Accessory Buildings, Structures and Uses – to increase the permitted accessory structure height for a detached garage from 6 metres to 7.5 metres.
2. With reference to Section 3.1.4 – Lot Coverage and Height for Accessory Buildings, Structures and Uses – to increase the permitted accessory structure lot coverage from 5% to 6.7%.
3. With reference to Section 3.1.5.1(d) and 4.13.3(v) – Accessory Structure & Lakeshore Residential (LR) Zone Regulations – to reduce the required front yard setback from 7.5 metres to 5.87 metres.
4. With reference to Section 3.34 – Planned Width of Road – to reduce the required setback from the centre line of a Township road from 17.5 metres to 15.87 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 Kawartha Pine Ridge District School Board (KPRDSB), Otonabee Region Conservation Authority (ORCA), Bell Canada, and the County of Peterborough Public Works Department. Mr. Lundberg recommended the application for approval as it meets the four tests of a minor variance, and stated an archaeological assessment appears to not be required given the proximity of the proposed new garage to the existing footprint of the existing garage. Applicant Dave Walker 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-19-24 related to lands described as being Part Lot 22, Concession 16 (2814 Antelope Trail) in the Smith Ward be received for information; and

That Minor Variance Application No. A-19-24 related to lands described as Part Lot 22, Concession 16 (2814 Antelope Trail) in the Smith Ward be approved as follows:

1. With reference to Section 3.1.4 – Lot Coverage and Height for Accessory Buildings, Structures and Uses – to increase the permitted accessory structure height for a detached garage from 6 metres to 7.5 metres.
2. With reference to Section 3.1.4 – Lot Coverage and Height for Accessory Buildings, Structures and Uses – to increase the permitted accessory structure lot coverage from 5% to 6.7%.
3. With reference to Section 3.1.5.1(d) and 4.13.3(v) – Accessory Structure & Lakeshore Residential (LR) Zone Regulations – to reduce the required front yard setback from 7.5 metres to 5.87 metres.

4. With reference to Section 3.34 – Planned Width of Road – to reduce the required setback from the centre line of a Township road from 17.5 metres to 15.87 metres.

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. For this application, verification that the new detached garage is located a minimum of 30 metres from the closest point to the highwater mark (maximum of controlled water elevation of the TSW) of Buckhorn Lake is required in addition to verification of lot line setbacks.
4. 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.

b) File No.: A-20-24
Owner: Steve Feeney
Agent: Nathan Baldwin
Address: 1471 Shannon Drive – Ennismore Ward

Steve Feeney 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 construction of a new 100.34 m² (1080 ft²) detached garage.

1. With reference to Section 3.1.4 – Lot Coverage and Height for Accessory Buildings, Structures and Uses – to increase the permitted accessory structure lot coverage from 5% to 7.1%.

Mr. Lundberg provided a summary of the planning report as it related to the proposed variance. Mr. Lundberg recommended the application for approval as it meets the four tests of a minor variance, and stated an archaeological assessment appears to be required as the new garage will be on a previously undisturbed portion of the property. Comments of no concern were submitted by the Kawartha Pine Ridge District School Board (KPRDSB), Otonabee Region Conservation Authority (ORCA), Bell Canada, and the County of Peterborough Public Works Department. Agent Nathan Baldwin 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-20-24 related to lands described as being Part Lot 8, Concession 9 (1471 Shannon Drive) in the Ennismore Ward be received for information; and

That Minor Variance Application No. A-20-24 related to lands described as Part Lot 8, Concession 9 (1471 Shannon Drive) in the Ennismore Ward be approved as follows:

1. With reference to Section 3.1.4 – Lot Coverage and Height for Accessory Buildings, Structures and Uses – to increase the permitted accessory structure lot coverage from 5% to 7.1%.

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. In addition to property line setbacks verification, for this application, verification that the new detached garage is located a minimum of 30 metres from the closest point to the highwater mark (maximum of controlled water elevation of the TSW) of Buckhorn Lake is required.
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.
6. That the existing garage be demolished as shown on the submitted site plan.
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-21-24
Owner: Michael Boden
Agent: Nathan Baldwin
Address: 1234 Mann Road – Smith Ward

Michael Boden 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 construction of a new 25 m² (269.1 ft²) covered front porch.

1. With reference to Section 4.9.4(v) – Residential Type One Zone Regulations – to decrease the minimum required front yard setback from 7.5 metres to 3.9 metres to a new covered porch.
2. With reference to Section 3.34(b) & 4.9.4.2 – Planned Width of Road – to reduce the minimum setback from the centre line of a Township road from 17.5 metres to 13.9 metres to a new covered porch.

Mr. Lundberg provided a summary of the planning report as it related to the proposed variance and recommended the application for approval as it meets the four tests of a minor variance. Comments of no concern were submitted by the Kawartha Pine Ridge District School Board (KPRDSB), Otonabee Region Conservation Authority (ORCA), the County of Peterborough Public Works Department, and Bell Canada. Mr. Lundberg stated that an archaeological assessment does not appear to be required given the small size and proximity to the existing dwelling. Agent Nathan Baldwin 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-21-24 related to lands described as being Part Lot 12, Concession 7 (1234 Mann Road) in the Smith Ward be received for information; and

That Minor Variance Application No. A-21-24 related to lands described as Part Lot 12, Concession 7 (1234 Mann Road) in the Smith Ward be approved as follows:

1. With reference to Section 4.9.4(v) – Residential Type One Zone Regulations – to decrease the minimum required front yard setback from 7.5 metres to 3.9 metres to a new covered porch.
2. With reference to Section 3.34(b) & 4.9.4.2 – Planned Width of Road – to reduce the minimum setback from the centre line of a Township road from 17.5 metres to 13.9 metres to a new covered porch.

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(s) provide the Township with a survey / surveyors report or certificate completed by a licensed Ontario 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.

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-22-24
Owner: Andrew Self
Agent: N/A
Address: 964 Highland Road – Smith Ward

Andrew Self 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 construction of a new 5.24 m² (56.4 ft²) covered front porch.

1. With reference to Section 3.1.5(f) and Schedule B Exception 336 – Lakeshore Residential Exception 336 (LR-336) Zone Regulations – to reduce the front yard setback from 4.21 metres to 1.35 metres to a covered front porch (including steps).
2. With reference to Section 3.35 – Planned Width of Road – to reduce the minimum setback from the centre line of a Township road from 14.21 metres to 11.35 metres to a covered front porch (including steps).
3. 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 30%.

Mr. Lundberg provided a summary of the planning report as it related to the proposed variance and recommended the application for approval as it meets the four tests of a minor variance. Comments of no concern were submitted by the Kawartha Pine Ridge District School Board (KPRDSB), Bell Canada, the County of Peterborough Public Works Department, and Otonabee Region Conservation Authority (ORCA). Mr. Lundberg stated that an archaeological assessment does not appear to be required given the small footprint and proximity to the existing dwelling. Applicant Andrew Self 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-22-24 related to lands described as being Part Lot 13, Concession 8 (964 Highland Road) in the Smith Ward be received for information; and

That Minor Variance Application No. A-22-24 related to lands described as Part Lot 13, Concession 8 (964 Highland Road) in the Smith Ward be approved as follows:

1. With reference to Section 3.1.5(f) and Schedule B Exception 336 – Lakeshore Residential Exception 336 (LR-336) Zone Regulations – to reduce the front yard setback from 4.21 metres to 1.35 metres to a covered front porch (including steps).
2. With reference to Section 3.35 – Planned Width of Road – to reduce the minimum setback from the centre line of a Township road from 14.21 metres to 11.35 metres to a covered front porch (including steps).
3. 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 30%.

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 a licensed Ontario 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.

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-19-24

Committee Member John Boyko – Committee Member Ron Black –
That Minor Variances A-19-24, A-20-24, A-21-24 and A-22-24 be approved in accordance with all of the conditions noted therein.

Carried.

Deferred Matters & New Business

None.

Information

None.

Minutes

Resolution No. CA-20-24 – Minutes

Committee Member Mary Coulas – Committee Member Brian Henry –
That the minutes of the August 13, 2024 meeting No.07-24 be adopted.

Carried.

Adjournment

Resolution No. A-21-24 - 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 October 22, 2024.

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