

Corporation of the Township of Selwyn

**Committee of Adjustment
Tuesday, November 26, 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
Janice Lavalley, Chief Administrative Officer
Robert Kelly, Manager of Building and Planning
Per Lundberg, Planner
Bryden Erdmann, Emergency & Risk Management Advisor

Call To Order

The meeting was called to order by Committee Chair Sherry Senis at 12:15 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-26-24**
Owner: Dave Morgan
Agent: N/A
Address: 3057 Beachwood Drive – Smith Ward

Dave Morgan 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 106.8 m² (1149.6 ft²) dwelling addition and a new 54.86 m² (590.5 ft²) open deck.

1. With reference to Section 3.15 – Highwater Setback Provisions – to reduce the minimum highwater setback from 30 metres to ±21.2 metres to a dwelling addition.
2. With reference to Section 3.15 – Highwater Setback Provisions – to reduce the minimum highwater setback from 30 metres to ±16 metres to an open deck.

Mr. Lundberg provided a summary of the planning report as it related to the proposed variance and has recommended the application for approval as it meets the four tests of a minor variance. The Otonabee Region Conservation Authority (ORCA) submitted comments of no concern and noted that a permit will be required. Comments of no concern were also submitted by the Kawartha Pine Ridge District School Board (KPRDSB), and the County of Peterborough Public Works Department. Dave Morgan 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-26-24 related to lands described as being Plan 123, Lot 10 (3057 Beachwood Drive) in the Smith Ward be received for information; and

That Minor Variance Application No. A-26-24 related to lands described as Plan 123, Lot 10 (3057 Beachwood Drive) in the Smith Ward be approved as follows:

1. With reference to Section 3.15 – Highwater Setback Provisions – to reduce the minimum highwater setback from 30 metres to ±21.2 metres to a dwelling addition.
2. With reference to Section 3.15 – Highwater Setback Provisions – to reduce the minimum highwater setback from 30 metres to ±16 metres to an open deck.

Conditions

1. That the applicant(s) obtain the necessary building permit.
2. That the applicant(s) obtain any necessary septic system review or permit.
3. 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).

4. That the applicant(s) provide the Township with a survey / surveyor's report completed by a licensed Ontario Land Surveyor (OLS) at the foundation stage of construction.
5. That the applicant(s) be required to obtain approval from the Otonabee Region Conservation Authority (ORCA)
6. Sedimentation and erosion control is to be implemented, where appropriate, prior to, during and after construction until all unstable soil is vegetated.
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(s) 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(s) be required to have a Curve Lake First Nation Liaison on-site for the archaeological assessment.
8. 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.

b) File No.: **A-28-24**
Owner: Michael Allman
Agent: Bethany Stock
Address: 700 Hatton Avenue – Smith Ward

Michael Allman 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 19.3 m² (208 ft²) screened-in porch, a new 32.7 m² (352 ft²) open deck and an existing 15.5 m² (166.65 ft²) open deck.

1. With reference to Section 3.15 – Highwater Setback Provisions – to reduce the minimum highwater setback from 30 metres to ±21.4 metres to a dwelling.
2. With reference to Section 3.15 – Highwater Setback Provisions – to reduce the minimum highwater setback from 30 metres to ±19.7 metres to an open deck on the easterly side of an existing dwelling.
3. With reference to Section 3.15 – Highwater Setback Provisions – to reduce the minimum highwater setback from 30 metres to ±18.46 metres to an open deck on the westerly side of an existing dwelling.

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 County of Peterborough Public Works Department, and the Kawartha Pine Ridge District School Board (KPRDSB). The Otonabee Region Conservation Authority (ORCA) submitted comments of no concern and noted a permit will be required. Beth Stock 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-28-24 related to lands described as being Part Lot 12, Concession WCR (700 Hatton Avenue) in the Smith Ward be received for information; and

That Minor Variance Application No. A-28-24 related to lands described as Part Lot 12, Concession WCR (700 Hatton Avenue) in the Smith Ward be approved as follows:

1. With reference to Section 3.15 – Highwater Setback Provisions – to reduce the minimum highwater setback from 30 metres to ± 21.3 metres to a dwelling.
2. With reference to Section 3.13 – Highwater Setback Provisions – to reduce the minimum highwater setback from 30 metres to ± 19.7 metres to an open deck on the easterly side of an existing dwelling.
3. With reference to Section 3.15 – Highwater Setback Provisions – to reduce the minimum highwater setback from 30 metres to ± 18.46 metres to an open deck on the westerly side of an existing dwelling.

Conditions

1. That the applicant(s) obtain the necessary building permit.
2. That the applicant(s) obtain any necessary septic system review or permit.
3. 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).
4. That the applicant(s) provide the Township with a survey / surveyors report completed by a licensed Ontario Land Surveyor (OLS) at the foundation stage of construction.
5. That the applicant(s) be required to obtain approval from the Otonabee Region Conservation Authority (ORCA)
6. Sedimentation and erosion control is to be implemented, where appropriate, prior to, during and after construction until all unstable soil is vegetated.
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.
8. 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-29-24**
Owner: Daniel Carrol
Agent: Nick Denhaan
Address: 1754 Gordon Fitzgerald Lane – Smith Ward

Daniel Carrol 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 297 m² (3196.8 ft²) dwelling with an attached garage including a 21.44 m² (230.7 ft²) open deck, 7.07 m² (76.1 ft²) front porch and two covered decks being 21.01 m² (226.1 ft²) and 21.06 m² (226.7 ft²).

1. With reference to Section 3.15 – Highwater Setback Provisions – to reduce the minimum highwater setback from 30 metres to ± 25.73 metres to a new dwelling.
2. With reference to Section 3.15 – Highwater Setback Provisions – to reduce the minimum highwater setback from 30 metres to ± 27.28 metres to an open deck.

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), the County of Peterborough Public Works Department, and the Otonabee Region Conservation Authority (ORCA). One letter from a neighbour was received in opposition of the application. Neighbour Mike Brooks has concerns regarding environmental impacts, degrading the character of the community, the suitability of the proposed development, and the future use of the property being used as a short-term rental. He has requested that the Committee deny the application. Nick Denhaan, the agent, and Mike Heckendorn, the potential buyer, were present in person in support of the application. Bruce Fraser, a neighbour, was present virtually with questions regarding tree removal on the property and a lamppost. Mike Heckendorn responded to questions noting he was unsure of how many trees will be removed, but he does plan to remove trees to see the lake, and said he does not plan to remove the lamppost. Committee Member Ron Black questioned whether the setbacks for the proposal were consistent with neighbouring properties. Mr. Lundberg clarified that the setbacks for the proposal are consistent with neighbouring properties and some other properties encroach even further. 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-29-24 related to lands described as being Part Lot 23, Concession 17 (1754 Gordon Fitzgerald Lane) in the Smith Ward be received for information; and

That Minor Variance Application No. A-29-24 related to lands described as Part Lot 23, Concession 17 (1754 Gordon Fitzgerald Land) in the Smith Ward be approved as follows:

1. With reference to Section 3.15 – Highwater Setback Provisions – to reduce the minimum highwater setback from 30 metres to ± 25.73 metres to a new dwelling.
2. With reference to Section 3.15 – Highwater Setback Provisions – to reduce the minimum highwater setback from 30 metres to ± 27.28 metres to an open deck.

Conditions

1. That the applicant(s) obtain the necessary building permit.

2. That the applicant(s) obtain any necessary septic system review or permit.
3. 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).
4. That the applicant(s) provide the Township with a survey / surveyors report completed by a licensed Ontario Land Surveyor (OLS) at the foundation stage of construction.
5. That the applicant(s) be required to obtain approval from the Otonabee Region Conservation Authority (ORCA).
6. Sedimentation and erosion control is to be implemented, where appropriate, prior to, during and after construction until all unstable soil is vegetated.
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(s) 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(s) be required to have a Curve Lake First Nation Liaison on-site for the archaeological assessment.
8. 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-25-24

Committee Member Brian Henry – Committee Member Ron Black –

That Minor Variances A-26-24, A-28-24 and A-29-24 be approved in accordance with all of the conditions noted therein.

Carried.

d) File No.: **A-27-24**
Owner: Randy Kingdon
Agent: Evan Sugden
Address: 1665 Chemong Road – Smith Ward

Randy Kingdon 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 new industrial wood working land use (Kawartha Stair and Rail) including a ±635 m² building addition to the existing ±620 m² commercial building on the site.

1. With reference to Section 4.15.1.2 and Schedule "B" Exception 309 – Highway Commercial Exception (C1-309) Zone regulations – to add a workshop, manufacturing, processing, assembling and/or fabrication plant land use to the list of the permitted uses for the (C1-309) zone applicable to the subject property.
2. With reference to Section 4.15.1.2 and Schedule "B" Exception 309 – Highway Commercial Exception (C1-309) Zone regulations – to add a warehouse land use

to the list of the permitted uses for the (C1-309) zone applicable to the subject property.

Mr. Lundberg provided a summary of the proposed variance. Evan Sugden presented a presentation about the proposal and explained why he believed a minor variance was the correct application for this proposal. Mr. Lundberg did not recommend the application for approval and has recommended the application be denied as in his opinion it does not meet the four tests of a minor variance. He has recommended the applicant go forward with a Zoning By-law Amendment (ZBA) and Official Plan Amendment (OPA), as advised during the pre-consultation meeting on December 14th, 2023. Mr. Lundberg provided an in-depth 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). The County of Peterborough Public Works Department submitted comments of no concern noting it would have further comments at site plan control stage. The Otonabee Region Conservation Authority (ORCA) also submitted comments of no concern and noted that permits would be required. ORCA has stated that the proposal is required to maintain the 15-metre setback from the wetland, and that a review of the stormwater management plan at site plan control stage would also take place. Home Hardware Stores Ltd have submitted comments stating they are not in support of the proposed shared entrance with 1699 Chemong Road. Mike Kingdon was present virtually in support of the application. Committee member Ron Black questioned whether the C1 zoning and the Highway Commercial designation of the area needed to be reviewed due to multiple non-compliant uses. Committee member John Boyko questioned the time and costs associated with going forward with an Official Plan Amendment and Zoning By-law Amendment. Mr. Lundberg clarified the general timeline for an OPA and ZBA but could not confirm total costs or exact timeframes for approval due to the unknowns regarding peer reviews of the required technical reports. Committee member Mary Coulas asked what would happen to the Beavertails food truck that is currently located on the property. Evan Sugden confirmed that the plan was to continue to have Beavertails on the property. 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-27-24 related to lands described as being Part Lot 6, Concession WCR (1665 Chemong Road) in the Smith Ward be received for information; and

That Minor Variance Application No. A-27-24 related to lands described as Part Lot 6, Concession WCR (1665 Chemong Road) in the Smith Ward be approved as follows:

1. With reference to Section 4.15.1.2 and Schedule "B" Exception 309 – Highway Commercial Exception (C1-309) Zone regulations – to add a workshop, manufacturing, processing, assembling and/or fabrication plant land use to the list of the permitted uses for the (C1-309) zone applicable to the subject property.
2. With reference to Section 4.15.1.2 and Schedule "B" Exception 309 – Highway Commercial Exception (C1-309) Zone regulations – to add a warehouse land use to the list of the permitted uses for the (C1-309) zone applicable to the subject property.

Conditions

1. That the applicant(s) obtain the necessary building permit.
2. That the applicant(s) obtain any necessary septic system review or permit.
3. That the development be substantially in accordance with the site plan submitted with the application (any future development must comply with the applicable provisions of the by-law).

4. That the applicant provide the Township with a surveyors real property report (SRPR) completed by a licensed Ontario Land Surveyor (OLS) at the foundation stage of construction.
5. That the applicant(s) be required to obtain approval from the Otonabee Region Conservation Authority (ORCA).
6. Sedimentation and erosion control is to be implemented, where appropriate, prior to, during and after construction until all unstable soil is vegetated.
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.
8. That the applicant enter into peer review agreements including the submission of peer review deposits with the County of Peterborough, Otonabee Region Conservation Authority and the Township of Selwyn to the satisfaction of the County of Peterborough, Otonabee Region Conservation Authority and the Township of Selwyn.
9. That the reports required in support of this development as outlined in the Township of Selwyn pre-consultation meeting summary dated December 14, 2023 (Township File No PC-35-23) be submitted and peer reviewed to the satisfaction of the County of Peterborough, the Otonabee Region Conservation Authority and the Township of Selwyn.
10. That the owner applies for and enters into a site plan agreement to the satisfaction of the Township of Selwyn.
11. That the applicant confirms or establishes legal access to the subject property to the satisfaction of the Township of Selwyn and the County of Peterborough.
12. That the owner obtains any necessary permits or approvals from the County of Peterborough Public Works Department.

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-26-24

Committee Member Ron Black – Committee Member Brian Henry –

That Minor Variance A-27-24 be approved in accordance with all of the conditions noted therein.

Carried.

Deferred Matters & New Business

None.

Information

None.

Minutes

Resolution No. CA-27-24 – Minutes

Committee Member Mary Coulas – Committee Member John Boyko –
That the minutes of the October 22, 2024 meeting No.09-24 be adopted.

Carried.

Adjournment

Resolution No. A-28-24 - Adjournment

Committee Member Brian Henry – Committee Member Ron Black –
That the meeting be adjourned at 1:17 p.m.

Carried.

The next Committee of Adjustment meeting will be scheduled for December 10, 2024.

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