

Corporation of the Township of Selwyn

**Committee of Adjustment
Tuesday, February 25, 2025
Committee Meeting
Council Chambers, 1310 Centre Line**

Present: Sherry Senis (Chair)
John Boyko
Ron Black
Brian Henry

Regrets: Mary Coulas

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
Gord Jopling, Fire Chief

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.

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-30-24
Owner: Darragh Moroney
Agent: Jane Humphreys
Address: 1658 Poplar Point Road S – Smith Ward

Darragh Moroney 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 401.16 m² (4318.05 ft²) single detached dwelling including an attached garage.

1. With reference to Section 3.15 – Highwater Setback Provisions – to reduce the minimum highwater setback from 30 metres to ± 10.7 metres to a new dwelling including a balcony (covered deck).
2. With reference to Section 3.15 – Highwater Setback Provisions – to reduce the minimum highwater setback from 30 metres to ± 9.8 metres to an open deck (patio) on the southern lake side of a new dwelling.
3. With reference to Section 4.13.3(v) – Lakeshore Residential (LR) Zone regulations – to reduce the minimum front yard setback from 7.5 metres to 4.87 metres to an attached garage.
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 25%.
5. With reference to Section 3.1.5(b) – Projection into required Yards – to increase the permitted encroachment of an eave and gutter into a required front yard setback from 0.6 metres to 0.8 metres.
6. With reference to Section 3.34 – Planned Width of Road – to reduce the setback from the centre line of a Township Road to an attached garage from 17.5 metres to ± 9.87 metres.

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. 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 stated that permits will be required. Agent Jane Humphreys 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-30-24 related to lands described as being Part Lot 16, Concession 9 (1658 Poplar Point Road S) in the Smith Ward be received for information; and

That Minor Variance Application No. A-30-24 related to lands described as Part Lot 16, Concession 9 (1658 Poplar Point Road S) 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 ± 10.7 metres to a new dwelling including a balcony (covered deck).
2. With reference to Section 3.15 – Highwater Setback Provisions – to reduce the minimum highwater setback from 30 metres to ± 9.8 metres to an open deck (patio) on the southern lake side of a new dwelling.
3. With reference to Section 4.13.3(v) – Lakeshore Residential (LR) Zone regulations – to reduce the minimum front yard setback from 7.5 metres to 4.87 metres to an attached garage.
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 25%.
5. With reference to Section 3.1.5(b) – Projection into Required Yards – to increase the permitted encroachment of an eave and gutter into a required front yard setback from 0.6 metres to 0.8 metres.
6. With reference to Section 3.34 – Planned Width of Road – to reduce the setback from the centre line of a Township Road to an attached garage from 17.5 metres to ± 9.87 metres.

Conditions

1. That the applicant(s) obtain the necessary building permit(s).
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 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 Shoreline 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-01-25
Owner: Alexander and Lorraine Soubliere
Agent: Holly Richards-Conley
Address: 3131 Cottage Lane – Smith Ward

Alexander and Lorraine Soubliere 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 326.3 m² (3512.3 ft²) single detached dwelling including an attached garage, open deck and covered front porch.

1. With reference to Section 3.15 – Highwater Setback Provisions – to reduce the minimum highwater setback from 30 metres to ±13.8 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 ±10.2 metres to an open deck.
3. With reference to Section 3.1.5(b) – Lakeshore Residential (LR) Zone regulations – to increase the permitted projection of a roof eaves into a required water yard setback from 0.6 metres to 1.83 metres.

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. 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 stated that permits will be required. Agent Holly Richards-Conley was present virtually in support of the application and informed the Committee that an archaeological assessment has been completed for the subject property with no artifacts found. 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-01-25 related to lands described as being Part Lot 41, Concession 13 (3131 Cottage Lane) in the Smith Ward be received for information; and

That Minor Variance Application No. A-01-25 related to lands described as Part Lot 41, Concession 13 (3131 Cottage Lane) 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 ±13.8 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 ±10.2 metres to an open deck.
3. With reference to Section 3.1.5(b) – Lakeshore Residential (LR) Zone regulations – to increase the permitted projection of a roof eaves into a required water yard setback from 0.6 metres to 1.83 metres.

Conditions

1. That the applicant(s) obtain the necessary building permit(s).
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 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-02-25
Owner: Rachel and Steve Way
Agent: Holly Richards-Conley
Address: 2576 Buckhorn Road – Smith Ward

Rachel and Steve Way 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 331 m² (3563 ft²) single detached dwelling including a ±72 m² (±775 ft²) attached garage, ±75 m² (±807 ft²) covered deck, ±14.5 m² (±156 ft²) covered hot tub patio and a ±7 m² (±75 ft²) front porch.

1. With reference to Section 3.15 – Highwater Setback Provisions – to reduce the minimum highwater setback from 30 metres to ±8.3 metres to a covered hot tub patio of a new dwelling.
2. With reference to Section 3.1.5(b) – Lakeshore Residential (LR) Zone regulations – to increase the permitted projection of a roof eaves into a required yard setback (highwater setback) from 0.6 metres to 0.76 metres.

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. 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 stated that permits will be required. Agent Holly Richards-Conley was present virtually in support of the application and informed the Committee that an archaeological assessment has been completed for the subject property with no artifacts found. 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-02-25 related to lands described as being Part Lot 27, Concession 14 (2576 Buckhorn Road) in the Smith Ward be received for information; and

That Minor Variance Application No. A-02-25 related to lands described as Part Lot 27, Concession 14 (2576 Buckhorn Road) 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 ± 8.3 metres to a covered hot tub patio of a new dwelling.
2. With reference to Section 3.1.5(b) – Lakeshore Residential (LR) Zone regulations – to increase the permitted projection of a roof eaves into a required yard setback (highwater setback) from 0.6 metres to 0.76 metres.

Conditions

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

d) File No.: A-03-25
Owner: Anthony Pereira
Agent: Molly Conlin
Address: 83 Lakeshore Boulevard – Ennismore Ward

Anthony Pereira 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 $\pm 208.5 \text{ m}^2$ ($\pm 2244.3 \text{ ft}^2$) single detached dwelling including an attached garage and covered front porch, a new $\pm 33.2 \text{ m}^2$ ($\pm 357.4 \text{ ft}^2$) covered deck and a $\pm 15.6 \text{ m}^2$ ($\pm 168 \text{ ft}^2$) open deck.

1. With reference to Section 3.15 – Highwater Setback Provisions – to reduce the minimum highwater setback from 30 metres to ± 23.79 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 ± 21.9 metres to an open deck.
3. With reference to Section 4.13.3(vii) – Lakeshore Residential (LR) Zone regulations – to decrease the interior side yard setback (southern lot line) for an attached garage with 2nd storey habitable space from 3 metres to 1.5 metres.

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. 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 stated that permits will be required. Agent Molly Conlin 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-03-25 related to lands described as being Part Lot 12, Concession 8 (83 Lakeshore Boulevard) in the Ennismore Ward be received for information; and

That Minor Variance Application No. A-03-25 related to lands described as Part Lot 12, Concession 8 (83 Lakeshore Boulevard) in the Ennismore 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 ± 23.79 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 ± 21.9 metres to an open deck.
3. With reference to Section 4.13.3(vii) – Lakeshore Residential (LR) Zone regulations – to decrease the interior side yard setback (southern lot line) for an attached garage with 2nd storey habitable space from 3 metres to 1.5 metres.

Conditions

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

Resolution No. CA-01-25

Committee Member Brian Henry – Committee Member John Boyko –
That Minor Variances A-30-24, A-01-25, A-02-25 & A-03-25 be approved in accordance with all of the conditions noted therein.

Carried.

Deferred Matters & New Business

None.

Information

None.

Minutes

Resolution No. CA-02-25 – Minutes

Committee Member Ron Black – Committee Member John Boyko –
That the minutes of the December 10, 2024 meeting No.11-24 be adopted.

Carried.

Adjournment

Resolution No. A-03-25 - Adjournment

Committee Member Brian Henry – Committee Member John Boyko –
That the meeting be adjourned at 1:00 p.m.

Carried.

The next Committee of Adjustment meeting will be scheduled for March 25, 2025.

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