

THE CORPORATION OF THE TOWNSHIP OF ENNISKILLEN

THE COMMITTEE OF ADJUSTMENT

THIRD MEETING

MINUTES

APRIL 5 2016

A meeting of the Committee of Adjustment for the Township of Enniskillen was held on Tuesday April 5 2016 at 7:00 pm at the Enniskillen Council Chambers.

Present: Kevin Marriott, Mary Lynne McCallum, Wally Van Dun, Judy Krall and Kathy O'Hara Wilson

Kevin Marriott chaired the meeting.

A. Minutes

Moved by Judy Krall

Seconded by Kathy O'Hara Wilson

That the minutes of the meeting of March 2 2016 be adopted as circulated.

Carried.

- B. Application A003/16 by Janet and Mike Braaksma owners of 3409 Fairweather Road. The applicants request that the Committee of Adjustment approve minor variances to permit construction of a new house on their farm parcel. The applicants request variances to Bylaw 58 of 2015 (1) Table A to reduce the exterior side yard setback from 30 meters to +/- 28 meters, (2) Section 5.2 to reduce the minimum distance separation from 267 meters to 180 meters to permit the construction of a new house.

Present: Janet and Mike Braaksma and Bill & Melba Alexander and Will Nywening

Correspondence:

Will Nywening County of Lambton

Corrine Nauta, County of Lambton

Mr. Nywening reported that Mr. and Mrs. Braaksma were planning to tear down their home and replaced it with a new dwelling. The new house would be located generally in the same location as the existing dwelling. He reported that the two roads had very low traffic movements.

The planner reviewed the positioning of the new house on the farm lot. He also reviewed the position of the new house in relation to the livestock barn on the Alexander property. The Planner reported that the application by Mr. and Mrs. Braaksma would not affect the current or future operations on the Alexander farm.

The Building department noted that a new septic system would be required to be installed in the new house. During the construction process attention was required to ensure that the septic systems used by the dwelling units were protected.

No comments were received from the applicants or Mr. and Mrs. Alexander.

The Planner reported that the applicants would be required to enter an agreement with the Township to permit the temporary positioning of two houses on the farm parcel.

Moved by Kathy O'Hara Wilson

Seconded by Judy Krall

That minor variance application A003/16 be approved.

Carried.

Conditions:

1. That the owners obtain the necessary building permits and install a new septic system.
2. That the variance from the road allowance applies to permit the proposed building location even if the lot line is found to be closer than provided in the application.
3. That if the owners live in the existing house during construction of the new house, the owners enter into an agreement with the Township providing for the removal of the existing house upon completion of the new house and for the adequate provision and protection of a septic system for the existing house during construction of the new house.

Reasons:

The minor variances maintain the intent and purpose of the Official Plan and Zoning Bylaw are minor in nature and are appropriate for the development of the land.

- C. Application A004/16 by Greg Freer of Pt lot 23 Concession 3 Township of Enniskillen. The applicants request that the Committee of Adjustment approve a minor variance to permit the construction of a new house on their farm. The applicants request a variance to Bylaw 58 of 2015 Section 5.2 (a) to reduce the minimum distance separation from 267 meters to 130 meters to permit the construction of a new house.

Present: Gary and Greg Freer.

Correspondence:

Will Nywening County of Lambton

Corrine Nauta County of Lambton

The Planner reviewed his report noting that the applicants proposed to construct a dwelling unit on the farm property. The applicants proposed to construct the dwelling in the only area fronting on the road outside of the Conservation Authority regulated area.

The location of the dwelling would be closer to the livestock operation on the south side of Oil Springs Line.

The Planner noted that if the house were constructed the livestock owner could expand their horse operation and comply with MDS provisions in the zoning regulations.

The applicants made no comment during the proceedings.

Moved by Kathy O'Hara Wilson

Seconded by Judy Krall

That application A004/16 be approved providing a variance to Bylaw 58 of 2015 Section 5.2 (a) to reduce the minimum distance separation from 267 meters to 130 meters to the livestock operation located at 5233 Oil Springs Line.

Carried.

No Conditions

Reasons:

The minor variance maintains the intent and purpose of the Official Plan and zoning bylaw is minor in nature and is appropriate for the development of the land.

- D. Applications B001/16 and A002-16 by Wayne Anderson and Karen Thompson in regards to Shiloh Line

The applications were reviewed on March 2 2016 at which time they were tabled to permit the applicant time to review options associated with the septic system on the property.

Present: Wayne Anderson

The Planner reviewed the severance application and the minor variance application. The planner reported that he had no concerns in regards to the two applications.

Mr. Anderson confirmed that he was currently reviewing his options in regards to repairing the existing septic system or replacing the septic system.

Moved by Mary Lynne McCallum

Seconded by Kathy O'Hara Wilson

That severance application B002/16 be approved.

Carried.

Conditions:

1. That a copy of the deed and survey in a form suitable for registration be deposited with the Secretary Treasurer.
2. That a fee of \$250.00 be paid the Township of Enniskillen by cash or certified cheque.
3. That all conditions are to be fulfilled within one year of the notice of decision of this consent. The certificate of consent required by Section 53 (42) of the Planning Act must be obtained within one year of the notice of decision of this consent. The applicant is responsible for ensuring that the provisional consent does not lapse.
4. That the applicant at their expense shall install adequate access to the retained and severed properties as determined by the Township Road Superintendent.
5. That a fee of \$75.00 be made payable to the County of Lambton for septic inspection of the lot.
6. That the existing septic system be upgraded to current Building Code standards or a new septic system be installed.
7. That the municipal engineer prepare amendments to all Drainage Act reports assessing the severed lot and the retained lot for their appropriate share of future maintenance of any drain. The applicants agree to the assessments.
8. That a minor variance be obtained reducing the minimum distance separation from the livestock facilities at 3131 Shiloh Line
9. That the existing grain bin be removed from the retained farm.
10. The retained farm be rezoned to prohibit the construction of a dwelling unit.
11. That a parks dedication fee of \$1,000 be paid to the Township of Enniskillen.

Reasons:

1. That the severance is in conformity with the applicable policies respecting severances of residential lots in the agricultural area.

Moved by Kathy O'Hara Wilson

Seconded by Judy Krall

That minor variance application A002/16 to Bylaw 58 of 2015 be approved:

Section 5.2 (a) reducing the minimum distance separation for livestock from 3131 Shiloh Line from 216 meters to 165 meters, and  
Section 3.3.5(c) increasing the accessory building coverage for the new lot from 298 square meters to 511 square meters.  
Carried.

No conditions

Reasons:

That the minor variances are appropriate for the development of the lands, meet the intent and purpose of the Official Plan and Zoning Bylaw and are minor in nature.

E. Adjournment

Moved by Wally Lang

Seconded by Judy Krall

That the meeting of the Committee of Adjustment be adjourned and the meeting of Council be opened.

Carried.

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Chair

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Secretary