

THE CORPORATION OF THE TOWNSHIP OF ENNISKILLEN

ELEVENTH MEETING

MINUTES

DECEMBER 3 2013

A meeting of the Committee of Adjustment of the Corporation of the Township of Enniskillen was held on Tuesday December 3 2013 at 7:30 pm at the Enniskillen Council chambers.

Present: Kevin Marriott, John Phair, Mary Lynne McCallum, Kathy O'Hara Wilson and Christine Greydanus

Kevin Marriott chaired the meeting.

A. Minutes

Moved by Councillor McCallum

Seconded by Councillor Greydanus

That the minutes of the meeting of October 15 2013 be adopted as circulated.

Carried.

B. Application B005/13 by Chris Den Boer as the agent for Dorothy Anderson the owner of 2249 Crooked Road.

Mr. Den Boer is purchasing the property and proposed to create 2 lots, one containing an existing house with a 2 acre parcel and one vacant lot of 6.74 acres. Mr. Den Boer proposes to construct a new house on the 6.74 acre parcel.

Present: Chris and Sherri Den Boer, Will Nywening

Correspondence:

Will Nywening County of Lambton

Corrine Nauta County of Lambton

Mr. Nywening reviewed his report on application B005/13. He noted that the lot sizes in the application were larger in size than information available. He noted that the applicants proposed to keep and repair the existing house and then build a new house on the proposed lot. He noted that the lots formed part of an old plan of subdivision that had been subject to the municipal deeming bylaw. The two lots had merged to one parcel.

Mr. Nywening noted that there was no information available to indicate the existence of an oil well on the subject properties.

He reported that the septic coordinator had recommended placing conditions on the approval of the severance of the old house.

Mr. Nywening reported that a property standards order had been issued for the property which would require compliance by the owner.

The new vacant lot proposed held sufficient land to permit the construction of a new house without affecting the woodlot on the property.

He reported that due to the seasonal nature of the road if a new lot was created there would be a need to improve the road access. He noted that there may be a need to construct a turn-around at the property.

Mr. Nywening reported that there was no policy within the Official Plan of the Township of Enniskillen that could be used to support the application. As a result he noted that the department could not recommend supporting the approval of the application.

The correspondence from the Septic Coordinator indicated that if a new lot was created that the applicant be required to expose the septic system for the house. In the event that the system had failed or was not contained within the property boundaries a new septic system be installed.

Christine Greydanus questioned whether a rezoning could provide the necessary approval for creation of the new lot.

Mr. Nywening noted that an Official Plan change would be required to provide policy for the severance. He noted that there was little likelihood that an Official Plan amendment of that nature would be approved.

Mr. Den Boer noted that the property had been advertised as two lots when it was listed in real estate.

Moved by Councillor O'Hara Wilson  
Seconded by Councillor Phair  
That application B005/13 be approved subject to conditions.  
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 \$275 be paid to the Township of Enniskillen by cash or certified cheque.
3. That all conditions be fulfilled within one year of the mailing 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 after the mailing of the notice of the decision of this consent. The applicant is responsible for ensuring that the provisional consent does not lapse. If the Provisional consent lapses a new application will be required. There is no provision in the Planning Act for extensions to provisional consents.

4. That the applicants at their expense install adequate access to the retained and severed properties as determined by the Township Road Superintendent.
5. That a fee of \$75 be made payable to the County of Lambton for septic inspection of the lots.
6. That the septic system be partially uncovered to confirm the component location, size and condition. This must be completed to the satisfaction of the Private Sewage System Coordinator or Building Services Manager.
7. That a site inspection be conducted to confirm location of the septic system and to ensure that sewage/effluent is not being emitted or discharged onto the surface and that it is wholly contained within the newly created parcel. In the event the septic system is not compliant, a new Part 8 system will be required to be installed.
8. 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 revised assessments and pay the cost for the preparation of the revised assessments.
9. That the applicant connects the severed and the retained properties to the municipal water system.
10. That pursuant to Section 42 or Section 51 of the Planning Act as amended, land be conveyed to the municipality for parks purposes, to a maximum of 5% if the land is conveyed for other purposes. The municipality has decided to accept cash in lieu of conveyance of land for this severance. The fee of \$1,000 is to be made payable to the Township of Enniskillen.
11. That the applicant entered into an agreement with the Township of Enniskillen in regards to paying the costs for the road improvements to provide access to the severed and retained properties.

Reasons:

1. That the severance corrects the inadvertent merging of the two lots within the old plan of subdivision.

C. Adjournment

Moved by Christine Greydanus

Seconded by Kathy O'Hara Wilson

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

Carried.

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Chair

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Secretary