

THE CORPORATION OF THE TOWNSHIP OF ENNISKILLEN

COMMITTEE OF ADJUSTMENT

FIRST MEETING

MINUTES

FEBRUARY 4 2014

A meeting of the Committee of Adjustment of the Township of Enniskillen was held on Tuesday February 4 2014 at 7:00 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 Mary Lynne McCallum

Seconded by Christine Greydanus

That the minutes of the meeting of December 3rd 2013 be adopted as circulated.

Carried.

- B. Application A001/14 by Stephen Zavitz the owner of 4022 Courtright Line Concession 5 Part Lot 11 Township of Enniskillen. The applicant has submitted an application to reduce the rear yard setback to permit the construction of a 24 foot by 32 foot garage on his property. The applicant has requested a variance to Table A of Bylaw 17 of 2009 reducing the rear yard setback to 2.1 meters.

Present: Mr. & Mrs. Stephen Zavitz, Will Nywening

Correspondence:

Will Nywening, County of Lambton

Corrine Nauta, County of Lambton

Mr. Nywening reviewed his report on the variance. He reported that the new structure was modest in size and was positioned in a suitable location on the lot. He noted that the 2.1 meter setback was limited to one corner of the building as it was positioned on the lot. He reported that the department had no objection to the application. He recommended that if the application were approved that the building be constructed in the location proposed, that the roof runoff be directed away from the neighboring property and that the septic system be located on the property and submitted to the building department for review.

No comments were made by the applicant concerning the application.

Kathy O'Hara Wilson questioned about the drainage on the property.

Moved by Kathy O'Hara Wilson

Seconded by John Phair

That Application A001/14 be approved reducing the rear yard setback of Table A to 2.1 meters to permit the construction of a 24 foot by 32 foot garage.

Carried.

Conditions:

1. That the proposed building be constructed substantially to the location, orientation and dimensions shown in the application sketch.
2. That the roof runoff of the proposed building be directed away from the abutting property lines.
3. That the location of the septic system be located on the property diagram and submitted to the septic coordinator. That a site inspection shall be conducted to verify the submitted diagram.

Reasons:

1. That the application meets the general purpose and intent of the Official Plan and zoning bylaw, is appropriate for the development of the land and is minor in nature.

- D. Correspondence from Dave & Cindy Vandenberghe requesting permission to amend a condition to application B001/13.

Present: Mr. and Mrs. Dave Vandenberghe

Correspondence:

Will Nywening, County of Lambton Nov 7-13

It was reported that severance application B001/13 approved the creation of a surplus dwelling unit lot with the condition that a new septic system be installed on the property. The applicants had removed the house from the property and were requesting that the condition to install the new septic system be removed from the approval. It was noted that a new septic system would be a condition of a building permit for the construction of a new house on the property.

Moved by John Phair

Seconded by Christine Greydanus

That approval provided to severance application B001/13 be amended by removing condition 5 of the decision.

That the Committee of Adjustment considers the change in the condition minor in nature and no written notice is required.
Carried.

Moved by Christine Greydanus
Seconded by Kathy O'Hara Wilson
That the Committee of Adjustment be adjourned and that the meeting of Council be opened.
Carried.

Moved by Kathy O'Hara Wilson
Seconded by Christine Greydanus
That the meeting of the Committee of Adjustment be reopened.
Carried.

- C. Application A002/14 by William and Anne Phair owners of 3871 Petrolia Line Township of Enniskillen. The applicants request that the Committee of Adjustment approve a minor variance to permit the construction of a 40 foot by 36 foot pole barn. The applicant requests a variance to Bylaw 17 of 2009 section 3.3.4 to increase the accessory building area to permit the construction of the accessory building.

Present: Will Nywening

Correspondence:
Will Nywening, County of Lambton
Corrine Nauta, County of Lambton

John Phair declared an interest in that his brother was the applicant.

Mr. Nywening reviewed his report on the application noting that the accessory building size was limited by the livable area of the dwelling.

The existing accessory buildings on the property were near the maximum area. He noted that the proposed 40 foot by 36 foot shed would be located in the only appropriate location on the lot. He referred to the location of the creek to the south as well as the municipal drain to the west. Mr. Nywening noted that the building was not out of character with the scale and nature of the development in the area. He reported that the accessory building area on the lot would be increased to 2,300 square feet.

Mr. Nywening noted that the department did not object to the application and recommended that conditions be applied if the committee approved the application. He recommended that a 20 foot setback be put in place between the proposed building and the easterly boundary of the lot.

Moved by Christine Greydanus

Seconded by Mary Lynne McCallum

That application A002/14 be approved increasing the accessory building area of Section 3.3.4 of Bylaw 17 of 2009 to approximately 2300 square feet to permit the construction of a 40 foot by 36 foot shed.

Carried.

Conditions:

1. That the proposed building be constructed substantially to the location, orientation and dimensions shown in the application sketch and maintain a 20 foot setback from the east lot line.
2. That no development, grading, fill replacement, site alteration or excavation occur between the proposed structure and the tops of the banks to the south and west.
3. That surface and subsurface drainage be controlled on the subject property and directed to the well vegetated grassed areas away from the top of banks and not channelized over the ravine slopes.
4. That the areas disturbed by construction be stabilized and returned to their original condition.
5. That the septic system be clearly marked, protected throughout the construction process and cannot be utilized as a laydown area.

Reasons:

That the variance is minor in nature meets the general purpose and intent of the Official Plan and zoning bylaw and is appropriate for the development of the land.

D. Adjournment

Moved by Kathy O'Hara Wilson

Seconded by Mary Lynne McCallum

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

Carried.

Chair

Secretary