

THE CORPORATION OF THE TOWNSHIP OF ENNISKILLEN

COMMITTEE OF ADJUSTMENT

FIFTH MEETING

MINUTES

JUNE 7TH 2016

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

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

A. Minutes

Moved by Kathy O'Hara Wilson

Seconded by Judy Krall

That the minutes of the meeting of April 19 2016 be adopted as circulated.

Carried.

B. Application B002/16 by Racher Farms Limited the owner of 4012 Shiloh Line, Township of Enniskillen. The applicant has recently purchased the farm and is requesting a severance to remove the house from the farm as surplus to their needs.

C. Application A006/16 by Racher Farms Limited the owner of 4012 Shiloh Line, Township of Enniskillen. Application B002/16 has been submitted by Racher Farms Limited to separate the house from the farm. A minor variance is required to recognize a reduction to the minimum distance separation for livestock from 216 meters to 100 meters from the barn located at 4023 Shiloh Line.

Present: Greg and Racher, Ron and Connie Brand

Will Nywening County of Lambton

Correspondence:

Will Nywening County of Lambton

Corrine Nauta County of Lambton

Kevin Marriott requested that Mr. Nywening review his report on the proposed residential severance and the associated minor variance.

Mr. Nywening clarified the lot size in the application noting that it was closer to 3 acres. He discussed the merits of leaving the buildings and the trees with the farm but noted that the lot dimensions were acceptable.

He commented that Racher Farms Limited were owners and operators of farm businesses in the area and noted that the surplus dwelling unit provision of the Official Plan would be applicable. He noted that both parcels would have access to the road allowance.

Mr. Nywening discussed the nature of the minor variance. He reviewed the livestock building on the Brand farm as well as the past current and potential future use. He noted that currently the barn was used to house 120 sheep and store equipment. He noted that MDS was designed to provide buffer for odours. The land area of the Brand farm generated an MDS setback of 244 meters. The use of the building for 50 cow/calf and 50 sheep would generate an MDS setback of 152 meters. The actual use of the building with 120 sheep would generate a setback of 99 meters.

Mr. Nywening noted that the livestock operation on the Brand property would be able to expand.

Mr. Nywening noted that the MDS impacts on the expansion of the Brand farm would not be any different whether the house was on a separate lot or on the farm.

Mr. Brand noted that he wanted assurances that the severance would not impact the future of his livestock operation.

Mr. Nywening confirmed that the separation of the house from the farm would not impact the livestock operation on Mr. Brand's farm.

Mrs. Brand requested a copy of the decision of the Committee.

Moved by Kathy O'Hara Wilson

Seconded by Judy Krall

That severance application B002/16 be approved subject to conditions.

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 to 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 after notice of decision of this consent.
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 \$75.00 be made payable to the County of Lambton for septic inspection of the lot.
6. 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 municipal drain. The applicants agree to the assessments.

7. That the retained farmland be rezoned to prohibit the construction of a dwelling unit.
8. That a parks dedication fee of \$1,000 be paid to the Township of Enniskillen.
9. That a minor variance be obtained to recognize a reduction in the minimum distance separation from the dwelling and the livestock barn on 4023 Shiloh Line.

Reasons: That the application complies with the surplus dwelling policy of the Township Official Plan.

Moved by Wally Van Dun

Seconded by Kathy O'Hara Wilson

That minor variance application A006/16 be approved reducing the minimum distance separation to 100 meters between the proposed residential lot and the livestock barn located at 4023 Shiloh Line.

Carried.

Conditions:

1. That the potential types of livestock that may be housed in the livestock facility at 4023 Shiloh Line is not limited to sheep, but includes beef cattle and any other livestock type that would comply with the Zoning Bylaw.

Reasons:

1. The proposed severed house is located far enough away so that the livestock facility has considerable flexibility to expand without the need for a variance.
2. That the variance is minor in nature, appropriate for the development of the land meets the general purpose and intent of the Official Plan and Zoning Bylaw.

- D. Application A007/16 by Jim and Sandra Krall the owners of 4748 Rokeby Line, Township of Enniskillen. The applicants propose to construct a garage on the farm. A minor variance is required to recognize a reduction to the front yard setback of Bylaw 58 of 2015 Table A from 30 meters to approximately 24 meters.

Present: Jim and Sandra Krall

Correspondence:

Will Nywening County of Lambton

Corrine Nauta County of Lambton

Mr. Nywening reviewed his report on the proposed minor variance. He reported that the Township of Enniskillen front yard setback in rural areas was larger than

most rural municipalities in the County. He noted that the applicants are prepared to build an accessory building on the farm which would be located to the east of the house. Mr. Nywening reported that the positioning of the building would reduce the amount of agricultural land affected and protect trees planted on the property. Mr. Nywening reported that the Building department had requested that the septic system be protected during construction to ensure that it was not damaged. Mr. Nywening commented on the design of the building.

Judy Krall declared a conflict of interest in that the application was being made by her brother and sister in laws.

Moved by Wally Van Dun

Seconded by Kathy O'Hara Wilson

That minor variance application A007/16 be approved reducing the front yard setback of Bylaw 58 of 2015 Table A from 30 meters to approximately 24 meters. Carried.

Conditions:

1. That the garage doors be located in the west wall and that a dormer or a gable end be provided facing the road allowance.
2. That the septic areas be protected and clearly identified throughout the construction process.

Reasons:

1. That the proposed building location accommodates the existing locations of the driveway road entrance, drain crossing, deck and trees and minimizes the encroachment to the field.
2. That the application is minor in nature and meets the general purpose and intent of the Official Plan and Zoning Bylaw and is appropriate for the development of the land.

E. Adjournment

Moved by Kathy O'Hara Wilson

Seconded by Judy Krall

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

Carried.

Chair

Secretary