

THE CORPORATION OF THE TOWNSHIP OF ENNISKILLEN

COMMITTEE OF ADJUSTMENT

THIRD MEETING

MINUTES

MAY 19 2015

A meeting of the Committee of Adjustment of the Township of Enniskillen was held on Tuesday May 19 2015 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

The minutes of the meeting of May 5 2015 were not circulated for the meeting.

B. Application B002/15 by Donna McCormick of 4371 Churchill Line to separate a 50 acre farm parcel containing two houses from a 150 acres farm parcel.

C. Application A001/15 by Donna McCormick of 4371 Churchill Line to recognize a minimum farm size of 50 acres.

Present: Donna McCormick,
Will Nywening County of Lambton

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

Mr. Nywening reported that the applicant had requested that a 50 acre parcel of farmland containing two residences be separated from an abutting 100 acre parcel. The 50 acre parcel would be transferred to the son of the applicant. Mr. Nywening reported that the severance did not comply with the County and Township policy in regards to the creation of farm parcels. He noted that the department could not support the application.

Corrine Nauta requested that in the event the application was approved that conditions be applied to the approval that would permit the inspection of the septic systems serving the two houses.

Donna McCormick noted that her son had expressed an interest in the farm and wanted to purchase the property. She noted that there would not be a change in the farm activities.

Moved by Mary Lynne McCallum

Seconded by Judy Krall

That application B002/15 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 \$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. The applicant is responsible for ensuring that the Provisional consent does not lapse. If the Provisional consent lapses a new application will be required.
4. That a fee of 75.00 be made payable to the County of Lambton for septic inspection of the lot.
5. 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.
6. That a minor variance be approved recognizing a fifty acre farm parcel.
7. That the septic systems(s) be partially uncovered to confirm the component location, size and condition. This must be completed to the satisfaction of the Private Sewage System Coordinator of Building Service Manager.
8. That a site inspection be conducted to confirm location of the septic system (s) 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(s) is/are not compliant, a new part 8 system(s) will be required to be installed.
9. That the septic system(s) be clearly noted on the legal survey. (should one be required)
10. That a new farm access be installed for the 98.8 acre farm parcel unto Churchill Line.

Reason:

1. That the Committee supports the creation of a 50 acre farm parcel which was inadvertently consolidated with the adjoining 100 acre parcel.

Moved by Kathy O'Hara Wilson

Seconded by Wally Van Dun

That minor variance application A001/15 be approved reducing the minimum farm size to 49 acres.

Carried.

Conditions: No Conditions

Reasons: That the variance recognizes the original farm lot size prior to the consolidation.

- D. Application A002/15 by Allen Wilson of 3867 LaSalle Line to permit variances to permit a garage in the front yard and reduce the front yard setback to 21 feet.

Correspondence:

Will Nywening County of Lambton

Corrine Nauta County of Lambton

Present: Allen Wilson

Will Nywening reported to the committee that the applicant proposed to install a garage on his property. The Planner noted that the property was a corner lot and the definitions in the zoning bylaw established the front yard along the narrowest frontage. This was the area that Mr. Wilson proposed to construct the garage. Mr. Nywening noted that in the current draft of the new zoning bylaw a minor variance would not be required.

Mr. Wilson requested that the garage size be increased to fit the size of the cement pad currently in place.

Mr. Nywening noted that the proposed expansion in garage size would still conform to the maximum lot coverage for accessory building area.

Mr. Nywening noted that the building proposed was appropriate for the site.

The correspondence from Corrine Nauta noted that there were no records in place for the septic system on this property. A request was made to impose a condition that the applicant prepare an accurate drawing locating the septic system on the property and that an inspection take place.

Moved by Kathy O'Hara Wilson

Seconded by Judy Krall

That application A002/15 be approved giving relief to the 20 meter front yard setback of Table A of Zoning Bylaw 17 of 2009

That relief be provided to the set back of Section 3.3.3 a) permitting the construction of the detached garage in the front yard with a setback of 6.4 meters from the east lot line.

Carried.

Conditions:

1. That the location of the septic system be clearly noted on the lot diagram, including property lines all vehicle accesses and structures (house, decks, garages) and submitted to the building department for consideration. A site inspection shall be conducted to verify the submitted diagram.

Reasons:

1. That the application is minor in nature is appropriate for the development of the land and meets the general purpose and intent of the zoning bylaw and Official Plan
- E. Application A003/15 by Dusty Wise and Deidre Brown of 4606 Center Street to approve minor variances to increase the accessory building coverage to 1,950 square feet, to reduce the set back to Centre Street to 9 meters and to reduce the northern yard set-back to 5 meters.

Correspondence:

Will Nywening County of Lambton
Corrine Nauta County of Lambton

Present: Dusty Wise and Deidre Brown

Mr. Nywening reported that the applicants proposed to construct an oversized accessory building on the property to house his motor home and other possessions. The applicants also requests relief from the 30 meter setback from Centre Street.

Mr. Nywening discussed the Agriculture zoning of the property and the location of the buildings on the applicant's property. He recommended that the committee consider establishing a setback for the proposed building from the fence located adjacent to the house on the property. He noted that this would increase the setback from Center Street to as much as 17 meters. He noted that no variance was required from the northerly lot line. The Planner noted that there was no height restriction for the proposed building in the Agricultural zone. The Planner made recommendations concerning the design of the building to fit within the residential area. He requested that a garage door be placed on the south wall and that landscaping be placed in the southern yard to obstruct the view of the proposed building.

Moved by Wally Van Dun

Seconded by Judy Krall

That application A003/15 be approved by permitting an increase in the accessory building lot coverage up to 181 square meters with the construction of a 32 foot by 48 foot accessory building,

That the front yard setback be reduced by positioning the new building within 3 meters of the fence located adjacent to the house.

Carried.

Conditions:

1. That the proposed accessory building be located not more than 3 meters from the fence located to the rear of the house.
2. That a car sized garage door be located in the south wall.
3. That landscaping, a hedge and/or trees be located to the south of the proposed building and driveway to the satisfaction of the Township.
4. That a site drainage plan be prepared with the building permit application process to accommodate drainage for the new building.

Reasons:

That the application is minor in nature is appropriate for the development of the land and meets the general purpose and intent of the Official Plan and Zoning Bylaw.

F. Adjournment

Moved by Kathy O'Hara Wilson

Seconded by Judy Krall

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

Carried.

Chair

Secretary