

THE CORPORATION OF THE TOWNSHIP OF ENNISKILLEN

COMMITTEE OF ADJUSTMENT

SECOND MEETING

MINUTES

MAY 2 2017

A meeting of the Committee of Adjustment of the Township of Enniskillen was held on Tuesday May 2 2017 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 April 18 2017 be adopted as circulated.

Carried.

- B. Application B001/17 by Alan and Patty Huggett owners of 4058 Oil Springs Line, Township of Enniskillen. Mr. and Mrs. Huggett have submitted an application to create a 3.6 acre lot containing their house. A new house will be constructed on the remaining 96 acre parcel.

Present: Alan Huggett, Arron Huggett, Kevin Daley  
Will Nywening County of Lambton

Correspondence:

Will Nywening County of Lambton

Corrine Nauta County of Lambton

St Clair Region Conservation Authority

Kevin Marriott introduced the application from Mr. and Mrs. Huggett and requested that Mr. Nywening review his report.

Mr. Nywening reported that the 3 acre size of the proposed residential lot reported in the application was closer to 4 acres. He noted that the remaining farm parcel would be 95 acres.

Mr. Nywening reported that the department could not support the application. There was no policy in the County Official Plan or the Township Official Plan to support the application. He noted that there had been a lot created previously from the original parcel. The Township Official Plan provided that only one residential severance could be created from the property.

Mr. Nywening reported that the boundaries proposed for the residential lot were appropriate. He reported that the frontage of the remaining farm parcel would be less than the 150 meters provided for in the Zoning Bylaw. A minor variance would be required to recognize a reduced farm frontage.

Mr. Nywening reported that extensive conversations had taken place with the Conservation Authority in regards to access to the remaining farm parcel. He noted that the Authority had no other issues with the application. He reported that the applicants had discussed making improvements to the bridge going through the regulated area or providing an access over the farm to the east.

The Authority requested that if approved a condition be applied requiring that the access be addressed prior to the creation of the lot.

The Building department requested that the existing septic system be located on the survey for the new lot and be submitted to the department.

Mr. Nywening reported that there were no livestock issues associated with the application.

He reported that there was sufficient room on the retained farm parcel to build a house. Discussions had taken place concerning the proximity of the new house to the Natural Heritage features.

Alan Huggett noted that he and his wife had purchased the property in 1989. He had been informed by the real estate agent that a second severance could be obtained from the farm parcel. He noted that they had planned to build a second house on the property at the time. He noted that the existing house was to be transferred to their son Arron. He noted that it was the best use of the land specifically in regards to the ravines creating a natural severance on the property.

Kathy O'Hara Wilson commented on the County and Township Official Plans not providing policy to support the application. She noted that there had been many other applications of a similar nature that had been turned down by the committee.

Mrs. O'Hara Wilson expressed a concern to protect the natural features on the property.

Judy Krall questioned the planner whether a granny flat would be permitted on the property.

Mr. Nywening reported that an addition to the existing house or the construction of a smaller independent dwelling would be permitted by the current zoning.

Mr. Nywening reported that a zoning amendment would be required to build the second house in the location where the applicants proposed to build on the property.

Kevin Marriott noted that the Conservation Authority did not object to the application as proposed. He recognized that the application goes against the residential lot creation policy in the Official Plan. He noted that the Township required additional population growth and the impact on both agriculture and the environment were minimal.

Wally Van Dun noted that the part of the property used for agriculture in the past had been allowed to remain fallow. He noted that there were no livestock issues with the lot creation. He noted that he supported the application.

Moved by Kathy O'Hara Wilson  
Seconded by Mary Lynne McCallum  
That Application B001-17 be denied.  
Motion failed.

Moved by Wally Van Dun  
Seconded by Judy Krall  
That Application B001/17 be approved subject to conditions.

Recorded Vote:  
Kathy O'Hara Wilson-No  
Judy Krall- Yes  
Mary Lynne McCallum-No  
Wally Van Dun-Yes  
Kevin Marriott-Yes  
Motion Carried.

Reasons:  
That the severance is appropriate for the development of the land.

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 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 be obtained within one year after notice of decision of this consent.

4. That a fee of \$75.00 be made payable to the County of Lambton for septic inspection of the lot.
  5. That the septic system for the residence at 4058 Oil Springs Line be located on the survey prepared for the new house lot.
  6. That a minor variance be obtained to recognize a reduced frontage for the retained farm parcel.
  7. That a parks dedication fee be made payable to the Township of Enniskillen in the amount of \$1,000.
  8. That the approval and construction of the access to the retained farm parcel be completed prior to the creation of the lot.
- C. Application B002/17 by Bernadine Jardine the owner of Part Lot 25 Concession 9 Township of Enniskillen. Bernadine Jardine has submitted an application to separate a one acre parcel to be added to the lot owned by her grandson at 5474 Rokeby Line. Sean Jardine plans to tear down the old house and build a new house on the property.
- D. Application A002/17 by Bernadine Jardine the owner of Part Lot 25 Concession 9 Township of Enniskillen. The applicant propose to separate 1 acre from the farm to add to the house lot at 5474 Rokeby Line. The applicant requests a minor variance to Table A of Bylaw 58 of 2015 reducing the retained farm size to 29.5 hectares.

Present: Mr. and Mrs. Sean Jardine, Al Jardine and Bernadine Jardine  
Will Nywening County of Lambton

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

Mr. Nywening reported that Sean Jardine proposed to add an additional acre of land to the residential lot he owned from the abutting farm owned by Bernadine Jardine. He reported that this would increase the existing residential lot to 2 acres which met current policy for lot size.

He reported that the minor variance application had been submitted to approve the reduction in the farm size to 73 acres.

Mr. Nywening reported that there were no livestock issues associated with the application. He noted that the Planning Department could support both the severance and minor variance applications.

Mr. Nywening reported that the merging provision of the Planning Act was required to be used. He noted that the applicants may be required to transfer a portion of the existing residential lot to the municipality to permit the legal merging of the property.

No comments were made from those present.

Moved by Mary Lynne McCallum

Seconded by Judy Krall

That severance application B002/17 be approved with conditions.

Carried.

Reasons:

That the application complies with the Township Official Plan and Zoning Bylaw.

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 Section 50 (3) of the Planning Act apply to any future conveyances and the severed lands be registered in the same name and interest and merged with the lands known municipally as 5474 Rokeby Line.
4. That a one square meter parcel identified on the lands known as 5474 Rokeby Line as a part on a reference plan and conveyed to the Township for incorporation into the road allowance, if the applicant's lawyer deems it necessary to allow the lands to legally merge.
5. 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.
6. That the applicants at their expense install adequate access to the retained and severed properties as determined by the Township Road Superintendent.
7. That a fee of \$75 be made payable to the County of Lambton for septic inspection of the lot.
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 assessments.
9. That the applicant obtain a minor variance respecting the minimum farm lot size

Moved by Wally Van Dun

Seconded by Kathy O'Hara Wilson

That Application A002-17 be approved.

Carried.

Reasons: The reduction in the farm lot size by one acre 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 residential lot.

No Conditions

E. Adjournment

Moved by Kathy O'Hara Wilson

Seconded by Judy Krall

That the meeting of the Committee of Adjustment be adjourned.

Carried.

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Chair

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Secretary