

THE CORPORATION OF THE TOWNSHIP OF ENNISKILLEN

COMMITTEE OF ADJUSTMENT

EIGHTH MEETING

MINUTES

SEPTEMBER 6 2016

A meeting of the Committee of Adjustment of the Council of the Township of Enniskillen was held on Tuesday September 6 2016 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 August 23 2016 be adopted as circulated.

Carried.

B. Application B005/16 submitted by Bruce Cox respecting lands known as 5675 LaSalle Line Township of Enniskillen. Mr. Cox proposes to sell his farm to Murray Hall and retain the house and lot. Mr. Hall considers the house to be surplus to his farm purposes.

Present: Mr. and Mrs. Bruce Cox, Murray Hall, Mat Hall and Will Nywening.

Correspondence:

1. Will Nywening County of Lambton
2. Corrine Nauta County of Lambton

Will Nywening reviewed his planning report to the Committee of Adjustment in regards to the severance application and proposed rezoning application. He noted that the application proposed to separate a residential lot from a farm and create an easement to the farm through the residential lot.

He reported that the zoning application would recognize reduced MDS setbacks from existing livestock barns to the new lot as well as recognize an increased accessory building coverage for the new lot.

Mr. Nywening reported that he was satisfied that the creation of the new lot met the requirements of the Official Plan policies for a surplus dwelling unit. He reported that the final lot size may need to be adjusted to create a .08 hectare parcel. He reported that the records for the septic system indicated an underlay tile that outletted into the Butler Drain. He reported that this would generally require changes to the septic system to meet current standards.

Mr. Nywening reported that the farm purchaser owned the abutting farm but proposed to hold the newly purchased property in a separate title. He reported that the new property should have its own access to LaSalle Line rather than creating an easement.

Mr. Nywening reported on the rationale used to evaluate the site specific zoning to address the Minimum Distance Separation (MDS) and the accessory building lot coverage.

He noted that a 30 ft. by 40 ft. building was to be removed from the property. He was satisfied that the grain bins were being used for storage by Mr. Cox.

Mr. Nywening noted that the calculated MDS for the beef operation was 260 meters rather than the actual 242 meters. In regards to the swine operation the MDS calculations were 319 meters from the barn and 507 meters from the manure storage pits. Mr. Nywening noted that the consideration of MDS in such a severance was not required under provincial policies. He noted that there were already houses closer to the hog operation that would impact on any future expansion. The hog operation had good physical screening.

Mr. Nywening reported that the zoning bylaw would also not permit a dwelling on the retained farmland.

Murray Hall noted that he did not see the need to construct a new access to this farm as he would be able to cross his own property to access the new farm. He noted that if a bridge were required they would install it on their own.

Kathy O'Hara Wilson noted that she would support a new access to the farm due to potential conflicts with the residential owner in the future.

Mary Lynne McCallum reported that a condition should be applied to ensure that the septic system met current standards.

Bruce Cox noted that he wanted to maintain the grain storage bins for storage of personal items.

Moved by Wally Van Dun

Seconded by Kathy O'Hara Wilson

That application B005/16 is 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
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 and reduce the MDS from 5169 and 5726 La Salle Line and allow approximately 3550 square feet of accessory lot coverage.
8. That a parks dedication fee of \$1,000 be paid to the Township of Enniskillen.
9. That the existing 30 foot by 40 foot detached structure be demolished and removed from the site.
10. That the existing septic system be upgraded to current Building Code standards or be replaced.
11. That the consent for easement be denied.
12. That the area of the residential lot not be less than 0.8 hectares in size.

Effect of written and oral submissions;

Submissions were made by the applicants, County Planning and Development Services and County Building Services which helped the Committee make an informed decision with appropriate conditions of approval.

Reasons:

That the application policies with the surplus dwelling policy of the Township Official Plan

C. Adjournment

Moved by Wally Van Dun

Seconded by Kathy O'Hara Wilson

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

Carried.

EIGHTH MEETING

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SEPTEMBER 6 2016

Mayor

Clerk