

THE CORPORATION OF THE TOWNSHIP OF ENNISKILLEN

COMMITTEE OF ADJUSTMENT

THIRD MEETING

MINUTES

JUNE 6 2017

A meeting of the Committee of Adjustment of the Township of Enniskillen was held on Tuesday June 6 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 Wally Van Dun

Seconded by Mary Lynne McCallum

That the minutes of the meeting of May 2 2017 be adopted as circulated.

Carried.

- B. Application B003/17 by Ken Dobbin the owner of 5092 Courtright Line, Concession 5 Part Lot 21 Township of Enniskillen. Mr. Dobbin has submitted an application to create a 2.0 acre lot containing a surplus dwelling unit. The house is to be transferred to Mr. Dobbin's daughter.

Present: Ken Dobbin, Erica Dobbin and Brad Alderman.

Will Nywening County of Lambton

Correspondence:

Will Nywening- County of Lambton

Corrine Nauta- County of Lambton

Dennis De Rango- Hydro One Networks

Greg Botting- County of Lambton

Mr. Nywening reviewed his report to the committee. He reported that the applicant complied with the surplus dwelling unit provision of the Official Plan. Mr. Nywening noted that the retained farm lot was smaller than permitted by the zoning bylaw. As a result a rezoning was taking place to recognize a smaller farm lot size and prohibit the construction of a dwelling on the remaining farm lot. Mr. Nywening reported that there was no concern with the accessory building coverage of the proposed lot.

He reported that the County Public Works did not want an additional access from the farm to Courtright Line. Access to the retained farm would be made off of Black Ash Road and it should be reviewed by the Township.

Mr. Nywening reported that the Building Officials had inspected the septic system on the property and no conditions were recommended.

Mr. Nywening reviewed the livestock facilities within the area. He noted that the buildings would not create an issue with the proposed severance.

Mr. Nywening reported that the Conservation Authority had reported on the application. He noted that the land fell within the regulated area of the Conservation Authority. The Authority recommended that a decision on the application be withheld until a study was completed that reviewing the potential for flooding on the proposed lot.

Hydro One commented on the application. Their comments related to concerns associated with their property abutting the retained farmland.

Kevin Marriott asked the applicant for comments on the application. No comments were made by Ken Dobbin.

Kathy O'Hara Wilson questioned about the age of the house on the proposed lot.

Moved by Kathy O'Hara Wilson

Seconded by Judy Krall

That Application B003/17 be approved with 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 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.
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 be made payable to the County of Lambton for septic inspection of the lots.
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 drain. The applicants agree to the assessments.
7. That the retained farm be rezoned to prohibit the construction of a dwelling on the property.
8. That a site specific zoning amendment be obtained to reduce the minimum farm lot area for the retained farm to approximately 29 hectares.
9. That the septic system on the residential lot be located on the survey and provided to the building department.

10. That a parks fee be paid to the Township of Enniskillen in the amount of \$1,000.

Reasons: That the application complies with the surplus dwelling unit provision of the Official Plan.

- C. Application B004/17 by Jody Unsworth the agent for the owner of the south part of Lot 27 Concession 6 Township of Enniskillen. Mr. Unsworth has submitted an application to create a separate one acre parcel from the farm to add to the existing residential lot at 3223 Oakdale Road.

Application A003/17 by Jody Unsworth the agent for the owner of the south Part Lot 27 Concession 6, Township of Enniskillen. The applicant requests a variance to Bylaw 58 of 2015 Table A to reduce the minimum farm lot size from 38 hectares to approximately 29.5 hectares in support of severance application B004-17 by which the applicant proposes to convey a 1 acre addition to 3223 Oakdale Road.

Present: Jody Unsworth  
Will Nywening County of Lambton

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

Mr. Nywening reviewed his report on the severance application and minor variance application. He reported that the applicant proposed to add one acre from the farm to his existing residential lot. The addition would include portions of a swimming pool and two out buildings which were on the farm parcel.

Mr. Nywening noted that the department could support the lot enlargement which would increase the lot size to 2 acres which was currently more acceptable to the department. He reported on the 1993 severance application to approve the current lot. He noted that there were currently no livestock setback issues with the application.

The applicant proposed to remove the old barn from the proposed lot and replace it with a 1,500 square foot garage. The access to the residential lot was located on the farm and would be added to the residential lot in the proposed consent.

Mr. Nywening reported that the remaining farm lot size would be smaller than that permitted in the zoning regulations. He reported that the minor variance application proposed to recognize the reduced farm size.

Mr. Nywening reported to the committee that the reduction in farm size was only a marginal reduction in the lot size which would permit the undersized residential lot come up to the currently acceptable minimum lot size.

Mr. Nywening reported on the requirements to merge the new parcels of land by transmitting a one square meter of land to the Township.

The Building Department had no concerns with the septic system on the property.

Jody Unsworth had no comment on the application.

Moved by Mary Lynne McCallum

Seconded by Wally Van Dun

That application B004/17 be approved with 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 be paid to the Township of Enniskillen by cash or certified cheque.
3. That a one square meter portion of land from the existing residential lot be dedicated to the Township of Enniskillen.
4. That the severed land is to be deeded in the same name and interest as the nonfarm lot to which it is being added.
5. That Section 50(3) of the Planning Act applies to any further conveyance of the severed land and the land to which it is being added.
6. 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 the provisional consent does not lapse.
7. That the applicants at their expense install adequate access to the retained and severed properties as determined by the Township Road Superintendent.
8. That a fee of \$75 be made payable to the County of Lambton for septic inspection of the lot.
9. 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.
10. That a minor variance be obtained to recognize a farm lot size being reduced by 29.9 hectares to approximately 29.5 hectares.

Reasons:

That the lot enlargement complies with the Official Plan policies of the Township of Enniskillen.

Moved by Judy Krall

Seconded by Kathy O'Hara Wilson

That minor variance application A003/17 be approved to Bylaw 58 of 2015 Table A reducing the minimum farm lot size to approximately 29.5 hectares.  
Carried.

Conditions: No conditions

Reasons:

That the reduction in farm size is marginal, that the application complies with the general purpose and intent of the Official Plan and Zoning Bylaw, is minor in nature and is appropriate for the development of the lands.

D. Adjournment

Moved by Wally Van Dun

Seconded by Mary Lynne McCallum

That the meeting of the Committee of Adjustment be adjourned to an open Council meeting.

Carried.

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Chair

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Secretary