

THE CORPORATION OF THE TOWNSHIP OF ENNISKILLEN

COMMITTEE OF ADJUSTMENT

SIXTH MEETING

MINUTES

NOVEMBER 14 2017

A meeting of the Committee of Adjustment of the Township of Enniskillen was held on Tuesday November 14 2017 at 7:45 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 October 24 2017 be adopted as circulated.  
Carried.

- B. Application A005/17 by Alan and Patty Huggett of 4058 Oil Springs Line Township of Enniskillen. The applicants obtained permission to create a lot from their property. A condition of the severance requires that a minor variance be approved to recognize a reduction in the farm frontage. The applicants request a variance to Table A of Bylaw 58 of 2015 reducing the lot frontage from 150 meters to 98.45 meters.

Correspondence:

Will Nywening County of Lambton

Present: Allan Huggett

Will Nywening County of Lambton

Mr. Nywening reviewed his report concerning minor variance A005/17. He noted that the minor variance resulted from a condition to a severance application approving a residential severance for the property at 4058 Oil Springs Line.

Mr. Nywening noted that the culvert installation had not been completed

Mr. Nywening noted that he had no issue with the minor variance.

Mr. Huggett reported that the culvert for the driveway access was on order.

Moved by Judy Krall

Seconded by Wally Van Dun

That minor variance application A005/17 be approved reducing the minimum lot frontage of Table A of Bylaw 58 of 2015 from 150 meters to 98.45 meters.

Carried

No conditions were applied.

Reasons: In conjunction with severance application B001/17 the minor variance will permit a reduced lot frontage. The variance is minor in nature meets the general purpose and intent of the Official Plan and Zoning Bylaw and is appropriate for the development of the land.

- C. Application B006/17 by Ron and Connie Brand the owners of 3768 Rokeby Line Township of Enniskillen. Ron and Connie Brand have applied for a severance to sell a 71 acre land locked farm parcel to Racher Farms Ltd.
- D. Application A006/17 by Ron and Connie Brand the owners of 3768 Rokeby Line Township of Enniskillen. The minor variance application supports severance application B006/17. The approval of the sale of a portion of this farm would create a farm lot smaller than that permitted by the zoning bylaw. The applicants request a variance to Table A of Bylaw 58 of 2015 reducing the minimum farm size to approximately 29 acres.

Correspondence:

Will Nywening County of Lambton  
Corrine Nauta County of Lambton  
St Clair Region Conservation Authority

Present: Ron and Connie Brand  
Will Nywening County of Lambton

Mr. Nywening reported that correspondence was received from the St Clair Conservation Authority. He noted that the authority had no concern with the application as it did not create an additional farm lot.

The Building department requested that the septic system be incorporated into the plan of survey and provided to the department.

Mr. Nywening reviewed his report for applications B006/17 and A006/17.

He reported that it was unusual for the department to support a farm severance of this nature. He noted that 71 acres of the Brand farm was not accessible as Bear Creek cut the property into two parcels. The Brands did not have a legal easement to permit access to the property. Mr. Nywening reported that the 71 acres north of Bear Creek would be merged with the abutting property of Racher Farms. The Brands would retain ownership of the land south of Bear Creek that fronted onto Rokeby Line.

Mr. and Mrs. Brand did not comment on the application.

Kathy O'Hara Wilson questioned the creation of a 29 acre farm parcel.

Mary Lynne McCallum noted that the committee had approved a severance to permit two farm parcels of 100 acres which were bisected by the creek. She noted that there had not been a concern raised by the application.

Mr. Nywening reported that the planning report had not supported the creation of the two farm lots.

Moved by Kathy O'Hara Wilson

Seconded by Judy Krall

That application B006/17 be approved.

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 a fee of \$75.00 be made payable to the County of Lambton for septic inspection of the lot.
5. That a minor variance be approved respecting the minimum severed farm lot size.
6. That the Township Public Works confirm adequate access exists for the resulting parcel or access be installed to the Township's satisfaction.
7. That the deed for the lands south of Bear Creek (the severed parcel) be stamped with the unstipulated consent stamp.
8. That the remnant land north of the creek be registered in the same name and interest as the North 1/2 Lot 9 Concession 9 and the solicitor undertake to merge property identification numbers with the registry office and roll numbers with the property assessment office.
9. That a diagram of the septic system be included on the survey of the property and be provided to the municipality.

Submissions were made by the applicants, County Planning and Development Services, County Building Services and the St Clair Region Conservation Authority and helped the Committee make an informed decision with the appropriate conditions of approval

Reasons: The farm severance has been approved due to the lack of access to the landlocked parcel of farmland.

Moved by Wally Van Dun

Seconded by Mary Lynne McCallum

That minor variance application A006/17 be approved reducing the minimum farm size of Table A of Bylaw 58 of 2015 to 29 acres.

Carried.

No conditions were applied.

Reasons: In conjunction with severance application B006/17 the minor variance will permit the merging of the portion of the farm north of Bear Creek to the abutting farm property thereby eliminating a land locked farm parcel.

- E. Application A007/17 by Angela Gilgeous and the Estate of James Tuckey of 3756 Petrolia Line in the Township of Enniskillen. The applicant proposes to house up to two horses in an accessory structure on this property. The applicant requests a minor variance to Bylaw 58 of 2015 to reduce the minimum distance setback of section 5.2 b) and permit a livestock facility on a property with an area of .97 acres.

Correspondence:

Will Nywening County of Lambton

Matthew Braet

Present: Angela Gilgeous (Tuckey), Anne Garrett

Mr. Nywening reported that the applicant proposed to construct an accessory building to house up to two horses. He noted that the lot did not meet the minimum size to house large livestock. The eastern lot setback was reduced to 4 meters. The minimum distance separation was less than the calculated minimum from the cemetery and the two houses.

Mr. Nywening reported that the positioning of the accessory building was adequate for the housing of the horses. He noted that the reduction in the MDS for the cemetery was not a concern. Mr. Nywening reported that he could not support the proposal due to the proximity of the house to the west. He noted that although the current owner may support the application future owners may consider the proximity of the horses to be too close.

Kathy O'Hara Wilson reported that the positioning of livestock in the area would lead to an increase in smell and flies.

Anne Garrett noted that she had no problem with the application.

Moved by Kathy O'Hara Wilson

That application A007/17 be denied.

No seconder to motion.

Moved by Judy Krall

Seconded by Wally Van Dun

That application A007/17 be approved.

Carried.

Conditions:

1. That the proposed building be constructed to the dimension, location and design shown in the information submitted as part of the minor variance application.
2. That the type of livestock permitted be limited to horses and the number of horses be limited to two.
3. That the manure be stored only inside or behind the proposed livestock facility. That the applicant provide written confirmation from a third party that a manure transfer agreement is in place which included that the manure was to be moved from the property no less than once a year.

REASONS FOR DECISION: The use is appropriate for the development of the lands and the impact of the variance is minor.

- F. Application B007/17 by Bryan Piggott the agent of the Estate of Ross Piggott in the Township of Enniskillen. Bryan Piggott has applied for a severance to create a 20 acre farm parcel from the 120 acres farm parcel at 3382 Oil Springs Line.

Correspondence:

Will Nywening County of Lambton

Present: Mr. and Mrs. Gary Piggott, Mr. and Mrs. Scott Piggott, Grant Piggott, Mr. and Mrs. Bryan Piggott and Mr. and Mrs. Jeff Classen

Mr. Nywening reviewed his report on the proposed farm severance. He noted that the Council had supported a reduction in the minimum farm size to 50 acres. This change was pending the approval of the County of Lambton Official Plan. Mr. Nywening reported that the lot size proposed was not common in the area. There were no special circumstances proposed for the lot which could justify the reduction in the farm lot size.

Mr. Nywening reported that he could not support the application.

Bryan Piggott reported that his son wanted to start in farming and could not afford to purchase a larger lot. He noted that the location was close to the family farm holdings.

Mary Lynne McCallum noted that she supported the application that it provided some economic development in the Township by the construction of the new house. She noted that it had no impact on the existing farm activity in the area.

Kathy O'Hara Wilson noted that the application goes against Township policies. She noted that once the house was constructed little could be undertaken on the remaining farm land.

Judy Krall indicated that the construction of the house would help to draw people into Enniskillen Township. She noted that there was a need for population growth in the Township.

Wally Van Dun noted that each application received by the committee had to be addressed individually.

Moved by Wally Van Dun  
Seconded by Judy Krall  
That application B007/17 be approved.  
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 a minor variance be approved respecting the minimum farm lot size.
5. That the Township Public Works confirm adequate access exists for the resulting parcels or access be installed to the Township's satisfaction.
6. That the Township Engineer review existing drainage reports and where required prepare amended schedules to reflect the new property owners. That the applicants pay the cost of the work and agree to the revised schedules.
7. That a parks fee of \$1,000 be collected for the creation of the lot.
8. That a water capital fee be paid for the new lot.

Effect of Written and Oral Submissions:

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

Reasons:

The Committee members viewed the application as supporting the introduction of a new family into farming at a farm scale that they could accommodate. The location of the farm did not interfere with livestock operations in the Township.

G. Adjournment

Moved by Mary Lynne McCallum

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