

THE CORPORATION OF THE TOWNSHIP OF ENNISKILLEN

COMMITTEE OF ADJUSTMENT

FOURTH MEETING

MINUTES

APRIL 16 2019

A meeting of the Committee of Adjustment of the Township of Enniskillen was held on Tuesday April 16 2019 at 7:00 pm at the Enniskillen Council Chambers.

Present: Kevin Marriott, Mary Lynne McCallum, Wally Van dun, Judy Krall and Chad Burke

Kevin Marriott chaired the meeting.

A. Minutes

Moved by Chad Burke

Seconded by Judy Krall

That the minutes of the meeting of February 19 2019 be adopted as circulated.

Carried.

- B. Application B002/19 by Jason Podolinsky on behalf of Kevin McCallum of 4847 Shiloh Line in the Township of Enniskillen. Mr. Podolinsky proposes to purchase a 58 acre parcel from Kevin McCallum. Mr. McCallum would retain a 2.2 acre lot containing the farm residence and associated buildings. The farm residence would be surplus to the needs of Mr. Podolinsky.

Present: Kevin McCallum, Cheryl Sheppard, Jason Podolinsky
Rob Nesbitt County of Lambton

Correspondence:

St Clair Region Conservation Authority

Corrine Nauta County of Lambton

Rob Nesbitt County of Lambton

Mary Lynne McCallum declared an interest as the property owner was her brother in law and she was in the notice area of the application.

Mr. Nesbitt reviewed his report on the proposed severance. He confirmed that Mr. Podolinsky owned farmland within the area and that the land purchase would create a surplus dwelling unit which met the requirement of the surplus dwelling policy. Mr. Nesbitt noted that the department could support the application with conditions. Specifically he noted that the zoning would need to be changed to recognize a smaller lot frontage and lot size for the farm property.

The correspondence from the St Clair Region Conservation Authority and the Building department were reviewed.

Wally Van Dun noted that during his site visit he had noted two debris piles associated with the farm property. He recommended that the piles be cleaned up and not be reused in the future.

Moved by Judy Krall

Seconded by Wally Van Dun

That application B002/19 be approved subject to conditions.

Carried.

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 applicant obtain a rezoning of the retained farm to prohibit a new residential dwelling and to recognize the reduced size and frontage of the retained farm property.
5. That if deemed necessary by the Township a new access be installed to the retained farm at the expense of the applicant.
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 the septic system be included on the survey and a copy provided to the Township for the property file.
8. That a parks fee of \$1,000 be paid to the Township of Enniskillen
9. That two open burning sites be cleaned up and their use be discontinued.

EFFECT OF WRITTEN AND ORAL SUBMISSIONS:

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

REASONS:

The General intent of the Provincial Policy Statement and the Enniskillen Official Plan is maintained.

- C. Application B003/19 by DWW Farms Ltd for a property located at 2624 Mandaumin Road in the Township of Enniskillen. DWW Farms Ltd has recently purchase the 200 acre farm property and requests to separate the farm

residence consisting of a 200 acre parcel from the farm. The residence is surplus to the needs of the purchaser.

Present: Mr. and Mrs. Jansen
Rob Nesbitt County of Lambton

Correspondence:
St Clair Region Conservation Authority
Public Works County of Lambton
Corrine Nauta County of Lambton
Rob Nesbitt County of Lambton

Mr. Nesbitt reviewed his planning report confirming that the farmer met the requirements within the official plan for a surplus dwelling unit. Mr. Nesbitt noted that a rezoning would be required to prohibit the construction of a dwelling unit on the retained farm in the future.

A review was made of the correspondence from the other organizations.

Moved by Wally Van Dun
Seconded by Mary Lynne McCallum
That application B003/19 be approved subject to conditions.
Carried

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 applicant obtains a rezoning of the retained farm to prohibit a new residential dwelling on the retained farm property.
5. That if deemed necessary by the Township a new access be installed to the retained farm at the expense of the applicant.
6. That the Township Engineer review existing drainage reports and where required prepare amended schedules to reflect the new property ownership. That the applicants pay the cost of the work and agree to the revised schedules.
7. That the septic system be partially uncovered and that a revised drawing be prepared of the septic system on the survey of the property to the satisfaction of the Private Sewage System Coordinator.
8. That in the event that the septic system is not compliant a new Part 8 system be installed.

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

EFFECT OF WRITTEN AND ORAL SUBMISSIONS:

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

REASONS:

The general intent of the Provincial Policy Statement and the Enniskillen Official Plan is maintained.

- D. Request for Certificate of Validation: 4607 Churchill Line
Present: Wallace Lang and Jack Fraser
Rob Nesbitt County of Lambton

Mr. Nesbitt reported that Wallace Lang had requested that the Committee exercise its authority under Section 57 of the Planning Act to correct a prior contravention of the land division provisions of the Act.

He reported that in 1971 Mr. Fraser had purchased and registered a deed for a 50 acre farm parcel without obtaining planning approval. A second 50 acre parcel was purchased in 1975 without obtaining planning approval.

Mr. Nesbitt reported that the Committee approval would permit the clarification of title and would end in the two 50 acre parcels being consolidated as one parcel. Mr. Nesbitt reported that there were no issues with the Official Plan policies or the zoning bylaw regulations.

Moved by Wally Van Dun

Seconded by Mary Lynne McCallum

That the Secretary Treasurer prepare a certificate of validation for Part lot 17 Concession 14 in the ownership of Mr. Jack Fraser.

Carried.

- E. Adjournment

Moved by Wally Van Dun

Seconded by Mary Lynne McCallum

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

Carried.

Chair

Secretary