

THE CORPORATION OF THE TOWNSHIP OF ENNISKILLEN

COMMITTEE OF ADJUSTMENT

FIFTH MEETING

MINUTES

MAY 7TH 2019

A meeting of the Committee of Adjustment of the Township of Enniskillen will be held on Tuesday May 7TH 2019 at 7:30 pm at the Enniskillen Council Chambers.

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

Kevin Marriott chaired the meeting.

A. Minutes

Moved by Judy Krall

Seconded by Chad Burke

That the minutes of the meeting of April 16th 2019 be adopted as circulated.

Carried.

Kevin Marriott declared an interest as he owned property within the notice area of the applications. Mr. Marriott left the meeting room.

Judy Krall assumed the chair.

- B. Application B004/19 by Arnold and Ruth Syer the owners of 6004 Courtright Line in the Township of Enniskillen. The applicants propose to separate approximately 25 acres of farmland north of the Black Creek and transfer it to LMH Farms. The applicants propose to retain 19 acres south of Black Creek containing a dwelling and associated buildings

Application A004/19 by Arnold and Ruth Syer the owners of 6004 Courtright Line in the Township of Enniskillen. The applicants propose to separate a portion of their property creating two agricultural lots smaller than that permitted in the zoning bylaw. The applicants request a minor variance to Schedule A of Bylaw 58 of 2015 reducing the minimum farm lot size for the retained and severed portions.

Present: Arnold and Ruth Syer, Mark Hunter, Ron MacDougall, Dan Janicek
Rob Nesbitt County of Lambton

Correspondence:

St Clair Region Conservation Authority

Corrine Nauta County of Lambton

Rob Nesbitt County of Lambton

Rob Nesbitt reviewed his report for the committee. He noted that there were two applications circulated for the meeting. A severance to divide a farm parcel and a minor variance application to recognize two lots smaller than that permitted by the zoning bylaw.

Mr. Nesbitt reported that Arnold Syer wanted to separate a portion of the farm and sell it to a property owner to the north of their property. Mr. Nesbitt reported that this portion of property was divided in part by a Hydro corridor. As a result the severed portion could not be merged with the farm property to the north. He reported that this would create a landlocked parcel which would not have access from a municipal road. He noted that the Official Plan directed that no lots be created that were land locked.

Mr. Nesbitt also reported that the two lots created were smaller than that permitted by the zoning bylaw. He noted that the planning department could not support the application.

The St Clair Region Conservation Authority provided no comments on the application.

The Building department noted that they could support the application without conditions.

It was noted that similar situations of this nature existed in Concession 5 due to the original layout of the railway corridor.

Mary Lynne McCallum questioned how Mr. Syer farmed land north of the Hydro corridor. He reported that he worked through the corridor. He noted that he had tilled through the corridor in the past.

Mr. Syer reported that in 1869 a rail corridor was established in the area which cut through many properties from Courtright to St Thomas. He noted that the rail corridor was abandoned and purchased by Hydro One to install an electrical transmission corridor.

Mr. Syer reported that he had had no issues in crossing the corridor to work his land north of the corridor.

Ron MacDougall questioned whether right of ways had been created for farmers when the rail line was in place.

Rob Nesbitt reported to the committee that the approval of this severance would effectively land lock the lot that the applicants wanted to create.

Mary Lynne McCallum questioned whether the equipment on the severed property would be removed.

Mr. Syer noted that the equipment would be removed.

Moved by Wally Van Dun

Seconded by Mary Lynne McCallum

That severance application B004/19 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 minor variance respecting The minimum farm lot size.
5. 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.

EFFECT OF WRITTEN AND ORAL SUBMISSIONS:

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

REASONS:

The farm severance was approved due to the unique historical encroachment by the Ontario Hydro property that has cut the original lots in Concession 5 of the Township.

Moved by Mary Lynne McCallum

Seconded by Chad Burke

That minor variance application A004/19 be approved recognizing a reduction in the retained farm size of 7.7 hectares and the severed farm size of 9 hectares.

Carried.

No Conditions

Reasons:

The reduction in the farm lot size 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 lands.

C. Adjournment

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Moved by Chad Burke
Seconded by Mary Lynne McCallum
That the meeting be adjourned.
Carried.

Chair

Secretary