

THE CORPORATION OF THE TOWNSHIP OF ENNISKILLEN

COMMITTEE OF ADJUSTMENT

SECOND MEETING

MINUTES

APRIL 1 2014

A meeting of the Committee of Adjustment of the Township of Enniskillen was held on Tuesday April 1 2014 at 7:00 pm at the Enniskillen Council Chambers.

Present: Kevin Marriott, John Phair, Mary Lynne McCallum and Kathy O'Hara Wilson

Kevin Marriott chaired the meeting.

A. Minutes

Moved by Kathy O'Hara Wilson

Seconded by John Phair

That the minutes of the meeting of February 4 2014 be adopted as circulated.

Carried.

B. Application B001/14

An application for severance by the Estate of Robert Langstaff the owner of 3744 Oil Springs Line. The owner proposes to divide the 200 acre farm parcel into two 100 acre parcels.

Present: Laurie Langstaff, George Langstaff and Will Nywening

Correspondence:

1. Will Nywening County of Lambton
2. St Clair Region Conservation Authority

Mr. Nywening reviewed the correspondence received from the Conservation Authority. The report commented on the application from the perspective of Natural Hazards. They expressed concern that there was insufficient land to build on each property. Mr. Nywening noted that there was a building envelope on each property. They expressed concerns over the creation of the new lot and the requirement for additional work load on the organization to review applications.

The report also commented on the application based on Natural Heritage policies. They noted that the woodlot was deemed to be significant within the County planning documents. The letter noted that there were mollusks reported in Black Creek and three species at risk that may be found on the property and or the habitat for these species.

The authority recommended that the application be tabled until an impact study was undertaken of the proposed severance.

Mr. Nywening reported that the agricultural severance policies affect the property. He noted that one lot would only have 5 acres of farmable land. He noted that in his opinion this lot would be more of a residential property. Mr. Nywening noted that the access to the northern portions of the two lots was only possible by travelling over abutting properties. Access was currently provided over 2710 Plowing Match Road. No easement agreement was in place.

Mr. Nywening reported that the division of the land would not have an appreciable impact on the natural environment.

Mr. Nywening noted that to the access concern he recommended that the application not be supported.

George Langstaff noted that the application was submitted by his father who had recently died. George Langstaff reported that his father has made the application to divide the property to provide a parcel for both he and his sister Laurie Langstaff.

George Langstaff reported that he may want to build a house on the property in the future but would not do this if his sister was part owner of the land.

Mary Lynne McCallum questioned what access was available to the property located north of Black Creek. Laurie Langstaff reported that the owner of 2710 Plowing Match Road had verbally extended permission to cross the property but would not enter into a formal written easement agreement.

Kevin Marriott noted that the responsibility to provide access to the northern portion of the property would not change with the approval of the application.

Moved by John Phair

Seconded by Mary Lynne McCallum

That severance application B001/14 be approved subject to conditions.

A recorded vote was requested by Kathy O'Hara Wilson

John Phair- In Favour

Mary Lynne McCallum- In Favour

Kathy O'Hara Wilson- Opposed

Kevin Marriott- In Favour

Motion 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 the 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 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 the Municipal Engineer prepare amendments to all Drainage Act reports assessing the severed lot and the retained lot of their appropriate share of future maintenance of any drain. The applicants must agree to the assessments and the cost associated with the preparation of the amended schedules.

Reasons:

- (1) The severance creates two lot parcels that comply with the minimum farm size requirements.

C. Adjournment

Moved by Kathy O'Hara Wilson
Seconded by Mary Lynne McCallum
That the meeting be adjourned.
Carried.

Chair

Secretary