

THE CORPORATION OF THE TOWNSHIP OF ENNISKILLEN

COMMITTEE OF ADJUSTMENT

THIRD MEETING

MINUTES

APRIL 22 2014

A meeting of the Committee of Adjustment for the Township of Enniskillen was held on Tuesday April 22 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 John Phair

Seconded by Kathy O'Hara Wilson

That the minutes of the meeting of April 1 2015 be adopted as circulated.

Carried.

- B. Application A003/14- Brian Mitchell the owner of 4230 LaSalle Line requests a minor variance to permit the construction of a 60 foot by 40 foot shed on the property. The proposed shed is larger than that permitted by the zoning bylaw. He requests that a variance be granted to Section 3.3.5 c of Bylaw 17 of 2009 to increase the accessory building area to permit the construction of a 2,400 square foot shed.

Present: Brian Mitchell, Will Nywening County of Lambton

Correspondence:

1. Will Nywening County of Lambton
2. Corrine Nauta County of Lambton

Will Nywening reported that the existing lot was 1.34 acres in size. He noted that the current zoning permitted the construction of an accessory building of 96 m². The owner had currently removed one accessory building from the property and had proposed the removal of a second building from the lot.

Mr. Nywening noted that existing house was small and he believed that the construction of the new building was justified to provide more storage.

He noted that the neighbour's accessory building to the east would shelter the visual impact of the proposed accessory building.

Mr. Nywening noted that the St Clair Region Conservation Authority would not comment on the proposed application.

The letter from the building department noted that they did not object to the proposal. They recommended that no construction work take place over the septic system.

Kathy O'Hara Wilson questioned about the drainage on the property. Will Nywening noted that the surface water would be drained to the road by a swale to access a catch basin at the road.

Mr. Mitchell noted that eve troughs would be installed on the building.

Moved by Mary Lynne McCallum

Seconded by Kathy O'Hara Wilson

That minor variance application A003/14 be approved increasing the accessory building area to permit the construction of a 2,400 square foot shed.

Carried.

Conditions:

1. That the proposed building be constructed substantially to the location and dimensions shown in the application sketch including a maximum interior ceiling clearance of 14 feet.
2. That the largest remaining accessory building to the north of the house be removed upon completion of the proposed building construction.

Reasons:

1. That the proposed increase in accessory building area is minor in nature due to the removal of two accessory buildings from the property.
2. That the variance is appropriate for the development of the property in providing adequate storage area for the owner.
3. That the application meets the general purpose and intent of the Official Plan and Zoning Bylaw.

- C. Application A004/14- Jeff and Amanda Daley the owners of 3791 LaSalle Line request a minor variance to permit the construction of a 64 foot by 50 foot shed. The applicant has requested minor variances to Bylaw 17 of 2009 (1) Section 3.3.4.c to increase the accessory building area to permit the construction of a 3,200 square foot shed with a height of 25 feet and (2) Section 3.3.3 (a) to permit the accessory building in the front yard.

Present: Jeff Daley, Will Nywening County of Lambton

Correspondence:

1. Will Nywening County of Lambton
2. Corrine Nauta County of Lambton

Will Nywening presented his planning report on the application. He reported that the applicant proposed to construct a 64 foot to 50 foot shed. He noted that the applicant wanted to increase the accessory building area to permit the construction of a 3,200 square foot structure with a height of 25 feet. He noted that the applicant wanted to construct the building in the front yard of the lot.

Mr. Nywening noted that the property was located in the Marthaville policy area of the Official Plan. The property was located in the residential R2 zone. He reported that the lot provided adequate room for the building. He noted that the selection of the front yard for the building was justified due to the current structures on the lot.

He recommended that the building be reduced in size to 2,000 square feet and that only a portion of the building have a 14 foot ceiling height.

He suggested that the smaller frontage of the building be placed facing the road.

Mr. Nywening questioned the future use of the building on the site. As proposed he noted that in his opinion the building did not meet the four tests of the planning Act for a minor variance.

The letter from the building department concerning the septic system was reviewed.

Mr. Daley indicated that he preferred to have a 23 foot building height throughout the building. He noted that he could accept a reduction in the building size. He requested that the building area be reduced in increments of 8 feet.

Moved by John Phair

Seconded by Kathy O'Hara Wilson

That minor variance application A004/14 be approved:

1. That Section 3.3.4.c be varied increasing the accessory building area to permit the construction of a 48 foot by 56 foot accessory shed with a maximum height of 23 feet.

Carried.

Conditions:

1. That the floor area of the proposed building be limited to 48 feet by 56 feet with a maximum height of 23 feet
2. That the shed be in the general location indicated on the application with a minimum 20 foot east side yard and minimum 90 foot front yard and that the existing vegetation be maintained on the east.
3. That an amendment of the agreement registered on title is not required provided the drainage provisions required therein are maintained.

Reasons:

1. That the application is minor in nature,
2. That the application is appropriate for the development of the property to provide additional storage for the applicant,
3. That the application meets the general purpose of the Official Plan and Zoning Bylaw

D. Adjournment

Moved by Mary Lynne McCallum

Seconded by Kathy O'Hara Wilson

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

Carried.

Chair

Secretary