

THE CORPORATION OF THE TOWNSHIP OF ENNISKILLEN

COMMITTEE OF ADJUSTMENT

SEVENTH MEETING

MINUTES

DECEMBER 15 2015

A meeting of the Committee of Adjustment for the Township of Enniskillen was held on Tuesday December 15 2015 at 7:00 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 Mary Lynne McCallum

Seconded by Judy Krall

That the minutes of the meeting of December 1st 2015 be adopted as circulated.
Carried.

B. Application B003/15 by John Vander wal of 4421 Marthaville Road. The applicant requests permission to create two new residential lots from his property.

C. Application A007/15 by John Vander wal of 4421 Marthaville Road. The applicant has submitted an application to create two new residential lots. The applicant requests that the Committee of Adjustment approve a minor variance to Bylaw 58 of 2015, Table A to reduce the lot frontage of two lots from 30 meter to 42.50 feet.

Present: John Vander wal and Will Nywening

Correspondence:

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

Will Nywening reviewed his report noting that the proposed severance provided for the creation of three "flag lots" on the property owned by John Vander wal. He noted that the minor variance application proposed to recognize two lot frontages of 42.5 feet. Mr. Nywening noted that the property was the site of historical oil wells. Development on the property would require that any well found would need to be capped based on recognized practices.

Mr. Nywening noted that the application made sense for the use of the property. He reported that the reduced frontage to the two lots met the four tests of the Planning Act.

Mr. Nywening reviewed a number of conditions in regards to the creation of the residential lots on the property. He recommended that the lots created on Parcel A and B be provided only one access to the municipal road allowance.

The correspondence from the building department did not express any concerns with respect to the development of the property.

Mr. Nywening provided an over view of the comments from the St Clair Region Conservation Authority. The Authority recommended against dividing the land located in the areas indicated as woodlot as it would promote additional uses on the property.

The correspondence noted that the Provincial Policy statements concerning Natural Hazards recommended development take place outside of the Natural Hazard areas. The correspondence based the recommendations on the premise that the creation of a lot was considered to be development.

The Authority noted that the property was located in the a water aquifer area. The correspondence referenced the Source Water Protection Plan for the area to provide development guidance.

Mr. Nywening noted that the policies in the document did not provide any guidance to the committee in regards to the current application.

Mr. Vander wal was questioned concerning the location of the water service for his personal dwelling. It was noted that the water and electrical lines crossed the proposed lot of the current rental dwelling.

Moved by Judy Krall

Seconded by Mary Lynne McCallum

That application B003/15 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.
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. The applicant is responsible to ensure that the Provisional consent does not lapse as there are no provisions in the Planning Act for extensions of Provisional consents.
4. That the applicant installs adequate access to the retained and severed properties as determined by the Township Road Superintendent.

5. That a fee of \$75 be made payable to the County of Lambton for septic inspections of the lots.
6. That the septic systems of Lot B and C be identified on a survey of the property.
7. That an easement be provided to lot B through Lot C to provide for servicing of Lot B.
8. That a water capital charge be paid for Lot A.
9. That parks dedication fees of \$1000 be paid for each of Lots A and C.
10. That a minor variance be obtained to recognize a reduced lot frontage for Lot A and Lot B.
11. That Lot C be a minimum of .8 hectares in size.
12. That the three lots be registered to ensure a separate property identification number for each parcel.
13. That the municipal engineer prepare amendments to all Drainage Act reports assessing the three lots for their appropriate share of future maintenance of any drain. That the applicants agree to the revised assessments.

Reasons:

That the application is supported by the applicable policy including that of infilling.

Moved by Mary Lynne McCallum

Seconded by Wally Van Dun

That minor variance application A007/15 be approved reducing the minimum frontage of Lot A and B to 42.5 feet.

Conditions: No Conditions

Reasons:

That the reduction of the lot frontage of Lot A and B was minor in nature and appropriate for the development of the land and met the general purpose and intent of the Official Plan and Zoning Bylaw.

D. Adjournment

Moved by Kathy O'Hara Wilson

Seconded by Judy Krall

That the meeting be adjourned and the regular meeting of Council opened.
Carried.

Chair

Secretary