

THE CORPORATION OF THE TOWNSHIP OF ENNISKILLEN

COMMITTEE OF ADJUSTMENT

FIRST MEETING

MINUTES

JANUARY 8 2013

A meeting of the Committee of Adjustment for the Township of Enniskillen was held on Tuesday January 8th 2013 at 7:00 pm at the Enniskillen Council Chambers.

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

Kevin Marriott chaired the meeting.

A. Minutes

Moved by Kathy O'Hara Wilson

Seconded by Mary Lynne McCallum

That the minutes of the meeting of December 18 2012 be adopted as circulated.
Carried.

- B. Application B016/12 by Matthew and Shelly Carter owners of 5741 Courtright Line. The owners are proposing to separate a 2.18 acre lot containing a surplus dwelling and accessory building from the 100 acre farm. The remaining farm land would be retained by the owners.

Present: Matthew and Shelly Carter and Dianne Fitzpatrick

1. Rob Nesbitt County of Lambton

Mr. Nesbitt presented his report concerning the application B016/12. The application proposed to separate a surplus dwelling unit from the farm. He reviewed Provincial Policy statements and the Official Plan policies in the County and Township Official Plan. He noted that he was satisfied that there were no livestock setback issues associated with the project. The Planner noted that the property had been subject to a minor variance application to permit the operation of a kennel in a barn on the proposed residential lot. Mr. Nesbitt recommended that the application be approved subject to normal conditions.

Mr. Carter noted that he proposed to establish a new access to the property from Oakdale Road. He noted that the grain bins located on the property would be removed.

2. Corrine Nauta County of Lambton

Corrine Nauta noted that there were no records concerning the septic system for the house. She requested that the system be exposed to determine that the system was located on the lot and was working properly.

3. Greg Botting County of Lambton

Mr. Botting noted that the County requested that future access to the retained farm lot take place from Oakdale Road.

Mary Lynne McCallum discussed the access to the property from Oakdale Road. Kathy O'Hara Wilson questioned whether the kennel on the property would be expanded.

Diane Fitzpatrick noted that there were no plans to expand the size of the kennel on the property.

Moved by Christine Greydanus

Seconded by Kathy O'Hara Wilson

That severance application B016/12 be approved subject to conditions.

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 \$200 be paid to the Township of Enniskillen by cash or certified cheque.
3. That pursuant to Section 42 or Section 51 of the Planning Act RSO 1990 as amended, land be conveyed to the Municipality for park purposes, to a maximum of 2 % if the land conveyed is for industrial purposes, or a maximum of 5% if the land is conveyed for other purposes. The municipality has decided to accept cash in lieu of land for this severance. The fee of \$1,000 is to be made payable to the Township of Enniskillen.
4. That all conditions be fulfilled within one year after notice was given of the granting of this consent.
5. That a certificate of consent required by Section 53(42) of the Planning Act, be obtained within one year after notice was given of the granting of this consent.
6. That the municipal engineer prepare amendments to all Drainage Act reports assessing the new lots for its appropriate share of future maintenance of any drain. That the applicants agree to the revised assessments.
7. That the applicants at their expense install adequate access to the retained and severed properties as determined by the Township Road Superintendent.
8. That a fee of \$75 be made payable to the County of Lambton for septic inspection of the lot.

9. That the septic system be partially uncovered to confirm the component location, size and condition. This must be completed to the satisfaction of the Private Sewage System Coordinator or Building Services Manager.
10. That a site inspection be conducted to confirm location of the septic system and to ensure that sewage/effluent is not being emitted or discharged onto the surface and it is wholly contained within the newly created parcel. In the event the septic system is not compliant, a new Part 8 system will be required to be installed.
11. That a zoning amendment application be approved restricting the construction of any new dwelling on the retained agricultural lot.

Reasons:

1. That the severance is in conformity with Section 1.11 (d) of the Official Plan.
- C. Application B017/12 by Grant Piggott as power of attorney for Ross Piggott the owner of 3331 Oil Springs Line. The owner is proposing to separate a 6.1 acre lot to provide a residential building lot for Connie and Jeff Classen. The remaining farmland of 93 acres would be retained by the owner.

Present: Connie and Jeff Classen, Gary and Lori Piggott, Brian Piggott

1. Rob Nesbitt County of Lambton

Mr. Nesbitt reported that the application for the creation of a new residential lot did not conform to provincial, county or township policy. He recommended that the application be denied.

2. Corrine Nauta County of Lambton

The correspondence noted that there was adequate land on the proposed lot to construct a septic system for a new residential dwelling.

Connie Classen noted that the land in question was not farmed.

Kathy O'Hara Wilson noted that approval of the application would fly in the face of Township severance policy.

Moved by Kathy O'Hara Wilson

Seconded by Mary Lynne McCallum

That severance application B017/12 be denied.

Carried.

Reasons:

1. That the severance is not in conformity with the severance policies of the Township of Enniskillen.

D. Adjournment

Moved by Christine Greydanus
Seconded by Kathy O'Hara Wilson
That the meeting be adjourned.
Carried.

Chair

Clerk