

THE CORPORATION OF THE TOWNSHIP OF ENNISKILLEN

COMMITTEE OF ADJUSTMENT

NINTH MEETING

MINUTES

JULY 2 2013

A meeting of the Committee of Adjustment of the Township of Enniskillen was held on Tuesday July 2 2013 at 7:30 pm at the Enniskillen Council chambers.

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

A. Minutes

Moved by John Phair

Seconded by Kathy O'Hara Wilson

That the minutes of the meeting of June 18 2013 be adopted as circulated.

Carried.

- B. Application B003/13 submitted by Grant Piggott as power of attorney for Ross Piggott the owner of 3331 Oil Springs Line. The owner is proposing to separate a 5.4 acre lot to provide a residential building lot for Connie and Jeff Classen. The remaining farm land of 94.6 acres would be retained by the owners.

Present: Rob Nesbitt, Gary & Lori Piggott, Connie & Jeff Classen, Mr. and Mrs Brian Piggott.

Correspondence:

1. Rob Nesbitt County of Lambton

In reviewing his report Mr. Nesbitt confirmed that the planning documents did not provide policy for the creation of a retirement lot for Mr. and Mrs. Classen. He reported that the only policy provision in the Official Plan was that of a surplus dwelling unit.

Mr. Nesbitt reported that a portion of the proposed lot was within the Environmental Protection Zone with a portion in the Agriculture A1 zone. Mr. Nesbitt reported that if a lot was created that the top of the bank would need to be established by the St Clair Region Conservation Authority. Mr. Nesbitt recommended that the application be denied due to the lack of planning policy to support the application.

2. Corrine Nauta County of Lambton

Ms. Nauta noted that the department could support the application as there was sufficient land to establish a septic system. She noted that the Conservation Authority would be required to provide approval of the

positioning of the septic system on the property. Ms. Nauta noted that a septic permit be obtained for the new house.

Connie Classen reported to the committee that all of the land in the application was not farmed.

Mary Lynne McCallum asked whether the lands had been farmed in the past.

Gary Piggott reported that access to the flood plain was difficult due to the grade. However the flooding of the low land area made farming of the land difficult. He noted that the flooding resulted from the beavers in the area and the positioning of the road culvert in Fairweather Road.

Kathy O'Hara Wilson questioned Gary Piggott concerning the different type of vegetation growing in the flood plain of the proposed lot.

Kathy O'Hara Wilson noted that if the Committee approved this application there would be many other similar applications.

Councillor Greydanus reported that the application was on the edge of her comfort zone. She noted that there were no livestock operations that would be affected by the proposed lot. A minimum amount of agricultural land would be affected by the proposed severance.

Moved by John Phair

Seconded by Christine Greydanus

That application B003/13 be approved with 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 \$400.00 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. The applicant is responsible for ensuring that the provisional consent does not lapse. If the provisional consent lapses a new application will be required. There is no provision for the extension to provisional consents.
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 a fee of \$75.00 be made payable to the County of Lambton for septic inspection of the lots.
6. That a septic permit be obtained for a new septic system for the new proposed dwelling.
7. That the Municipal Engineer prepare amendments to all Drainage Act reports assessing the severed lot and the retained lot for their appropriate share of future maintenance of any drain. The applicants must agree to the assessments.
8. That the new lot connect to the municipal water system.
9. That the applicants obtain permission from the St Clair Region Conservation Authority for the positioning of the septic system and dwelling which will include establishing the top of bank for positioning of a new dwelling.
10. That the applicants make payment to the Township of \$1,000 as a parks dedication fee.

Reasons:

1. That the proposed residential lot is an appropriate land use that does not interfere with agricultural operations in the local area.
2. That a minimum amount of agricultural land is affected by the proposed lot.

C. Adjournment

Moved by Christine Greydanus
Seconded by Mary Lynne McCallum
That the meeting be adjourned to open Council.
Carried.

Chair

Secretary