

THE CORPORATION OF THE TOWNSHIP OF ENNISKILLEN

COMMITTEE OF ADJUSTMENT

FOURTH MEETING

MINUTES

OCTOBER 10 2017

A meeting of the Committee of Adjustment of the Township of Enniskillen was held on Tuesday October 10 2017 at 7:00 p.m. 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 Judy Krall

Seconded by Kathy O'Hara Wilson

That the minutes of the meeting of June 6 2017 be adopted as circulated.

Carried.

- B. Application B005/17 by Racher Farms Ltd the owner of 4422 Oil Heritage Road South ½ Lot 16 & 17 Concession 12 Township of Enniskillen. Racher Farms Ltd has submitted an application to separate the dwelling from the farm as surplus to their needs as a result of a farm amalgamation.

Present: Greg and Debra Racher and Harald Rust
Will Nywening County of Lambton

Correspondence:

Greg Botting-County of Lambton, Public Works

Corrine Nauta County of Lambton Building Inspection

Will Nywening County of Lambton Planning

Erica Ogden St Clair Region Conservation Authority

Mr. Nywening reviewed his report noting that the proposed severance was a surplus farm dwelling resulting from the purchase of the farm property by Racher Farms. Mr. Nywening commented on the severance application and the rezoning of the property.

He reported that there were no livestock issues associated with the site nor any septic issues reported by the Building Department.

He reported that the building site was within the Natural Hazard area of Bear Creek. He noted that the Conservation Authority regulations placed most of the proposed building lot into a regulated area.

Mr. Nywening reported to the Committee in regards to the concerns expressed by the Conservation Authority that the access to the property crossed through the regulated area.

Mr. Nywening reported that the pond on the property was man made and was fed from the agricultural lands to the east by way of a 12 inch tile.

He noted that the recommendation of the Conservation Authority was to expand the lot size to the south to incorporate a new building site outside of the regulated area. In the event that the house had to be replaced there would be sufficient land to build outside the regulated area with an access outside of the regulated area.

Mr. Racher noted that the Bear Creek Tributary was a ditch to handle the outlet of tile water from the farm. Mr. Racher noted that he planned to fill in the ditch and install tile to provide a new outlet for the tile system.

Mr. Racher noted that the tile water would be directed to the pond on the proposed severed residential lot.

Mr. Van Dun questioned whether the proposed new tile would increase the area drained to the pond.

Mr. Racher noted that the new tiling system would not change the volume of water entering into the pond.

Harald Rust explained that the drainage system had existed for 48 years and there were no problems associated with it.

Moved by Kathy O'Hara Wilson

Seconded by Judy Krall

That application B005/17 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 \$250.00 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.
4. That a fee of \$75.00 be made payable to the County of Lambton for septic inspection of the lot.
5. That the retained farmland be rezoned to prohibit the construction of a dwelling unit and recognize an existing accessory building coverage greater than that permitted by the zoning bylaw.
6. That a parks dedication fee of \$1,000 be paid to the Township of Enniskillen.

7. That an easement be provided to the owner of the severed lot over the farm property to permit the lot owner to construct a driveway, if access over Oil Heritage Road is removed in the future.
8. That a diagram of the septic system be included on the survey of the property and provided to the municipality.

EFFECT OF WRITTEN AND ORAL SUBMISSIONS:

Submissions were made by the applicants, County Planning and Development Services, County Building Services, County Public Works and the St Clair Region Conservation Authority and helped the Committee make an informed decision with appropriate conditions of approval.

REASONS:

That the application complies with the surplus dwelling policy of the Township Official Plan.

C. Adjournment

Moved by Judy Krall

Seconded by Wally Van Dun

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

Carried.

Chair

Secretary