

THE CORPORATION OF THE TOWNSHIP OF ENNISKILLEN

COMMITTEE OF ADJUSTMENT

FIFTH MEETING

MINUTES

JULY 24 2018

A meeting of the Committee of Adjustment for the Township of Enniskillen was held on Tuesday July 24 2018 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

The meeting was chaired by Kevin Marriott

A. Minutes

Moved by Judy Krall

Seconded by Kathy O'Hara Wilson

That the minutes of the meeting of May 22 2018 be adopted as circulated.

Carried.

B. Application B003/18 McGregor Plymouth-Chrysler

An application to separate the commercial car lot from the farm land located at 3208 Petrolia Line.

C. Application A002/18 McGregor Plymouth-Chrysler

An applicant requests minor variances to Bylaw 58 of 2015 Table A to recognize a reduction in the farm lot frontage from 150 meters to 120 meters and a reduction in the farm lot size to 22.39 acres.

Correspondence:

Rob Nesbitt- County of Lambton planning comments

Jocelyn Kerrigan- County of Lambton comments on septic system

Present: Jamie McGregor and John Lennan

Robert Nesbitt-County of Lambton

Wally Van Dun declared a conflict of interest as he works part time for McGregor Plymouth Chrysler.

Mr. Nesbitt reviewed the application noting that the applicants proposed to separate a lot containing a car dealership from a farm lot. He noted that the farm lot was undersized and as a result a minor variance was required to recognize a smaller farm lot size and a reduction in the farm lot frontage.

Mr. Nesbitt commented that the correspondence from the Building Services had recommended the installation of a new septic system as the system did not meet current standards with an underdrain tile.

Mr. Nesbitt noted that historically the car dealership operated a storage area for motor vehicles on what was the farm property. Mr. Nesbitt recommended that a Phase 1 and Phase 2 environmental assessment take place regarding the automotive storage area.

Mr. Nesbitt noted that he could support the minor variances since there would be a minor reduction in the farm lot size and lot frontage.

Mr. Nesbitt recommended to the Committee that two conditions be applied to the severance:

1. Require a phase 1 and phase 2 Environmental Assessment;
2. That a new septic system be installed.

Jamie McGregor noted that after a discussion with the septic system coordinator he agreed that a new septic system should be installed.

Mr. McGregor noted that the car storage area had not been used as a wrecking yard where fluids were drained from vehicles. He noted that the cars were placed there and sold after a period of time.

Mr. McGregor questioned whether the farming community would be treated in the same manner. He noted that many farms had older equipment abandoned on their properties. Mr. McGregor stated that there was no clear policy as to when a record of site condition was required.

Mr. Nesbitt noted that a discussion with the Chief Building Official had determined that the wrecking yard activity was a category F use, where a change of use would require a record of site condition to be undertaken.

Mr. McGregor contended that the property was agriculture and would remain agriculture in the future.

John Lennan noted that he did not object to the application.

Mary Lynne McCallum questioned whether the farm parcel would have a water service. Mr. McGregor noted that he had paid for a service for property fronting on the farm parcel.

Kathy O'Hara Wilson questioned what land use was in the category F. Mr. Nesbitt noted that the car dealership was in this category.

Kathy O'Hara Wilson questioned the cost associated with a record of site condition.

Mr. McGregor noted that a phase 1 assessment would cost \$2,500. He noted that he did not know the cost of a phase 2 assessment.

Moved by Mary Lynne McCallum
Seconded by Kathy O'Hara Wilson
That application B003-18 be approved with conditions.

Motion failed.

Moved by Kathy O'Hara Wilson
Seconded by Judy Krall
That application B003-18 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 \$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 the Township Engineer review existing drainage reports and where required prepare amended schedules to reflect the new property owners. That the applicants pay the cost of the work and agree to the revised schedules.
5. That the applicant has a phase 1 environmental assessment for the areas of the site that had been used for the storage of motor vehicles and as a wrecking yard.
6. That the applicant obtains approval and installs a new septic system for the auto dealership.
7. That the applicant obtains a minor variance respecting the minimum farm lot size and minimum farm lot frontage.

Reasons:

The area actively farmed is already undersized. The further reduction is justifiable as it allows the commercial area to be separated from the area that will continue to be farmed.

Moved by Councillor McCallum
Seconded by Councillor O'Hara Wilson
That minor variance application A002-18 be approved.
Carried.

Conditions:

No conditions were applied.

Reasons:

The farm lot is currently undersized. A further reduction as proposed would be a marginal reduction in the farm lot size and lot frontage. It would permit the existing car dealership to be separated from the farm lot.

The variances meet the intent of the Official Plan and Zoning Bylaw and are appropriate for the continued use of the lands and are minor in nature.

D. Adjournment

Moved by July Krall

Seconded by Kathy O'Hara Wilson

That the meeting be adjourned.

Carried.

Chair

Secretary