

THE CORPORATION OF THE TOWNSHIP OF ENNISKILLEN

COMMITTEE OF ADJUSTMENT

SECOND MEETING

MINUTES

JULY 6 2020

A meeting of the Committee of Adjustment of the Township of Enniskillen was held on Monday July 6 2020 at 7:00 pm. The meeting was held electronically using the internet. The public was able to view the meeting by following contact information found on the municipal website made available on July 6th 2020.

Present: Kevin Marriott, Mary Lynne McCallum, Wally Van Dun, Judy Krall and Chad Burke

Kevin Marriott chaired the meeting.

A. Minutes

Moved by Judy Krall

Seconded by Wally Van dun

That the minutes of the meeting of February 18 2020 be adopted as circulated.

Carried.

B. Application B002/20- 7:00 pm

An application submitted by Mark Hunter on behalf of LMH Farms/DST Farms for a property located at 5830 Courtright Line, Part Lot 29 Concession 5 in the Township of Enniskillen. The applicant proposes to separate a 2 acre lot containing a surplus dwelling unit.

Present: Cale Hunter, Mark Hunter

Rob Nesbitt- County of Lambton

Correspondence:

Rob Nesbitt County of Lambton: Planning Report

Corrine Nauta County of Lambton: Building Department Report

Kevin Marriot introduced the severance application and requested that Mr. Nesbitt review his report.

Mr. Nesbitt noted that the applicant owned other farm land within the area and was satisfied that the dwelling was surplus to their needs. Mr. Nesbitt noted that due to the electrical transmission corridor transecting the property that the actual farm property size was 33.9 hectares. He reviewed the farm consent policies and noted that the application met the requirements. Mr. Nesbitt confirmed that the 1 acre parcel shown on the assessment records had been merged with the farm parcel.

Mr. Nesbitt noted that he could support the application subject to the retained farm land being zoned to prohibit a dwelling and recognizing a farm lot size of 33.9 hectares.

The St Clair Region Conservation Authority indicated that the organization had no concerns with the application.

The Lambton Building department commented on the application noting that if the application was approved that a new septic tank be installed on the property.

Mary Lynne McCallum confirmed in questioning that the house was connected to the municipal water system and that no water had been connected to the buildings on the retained farm.

Moved by Judy Krall

Seconded by Chad Burke

That application B002/20 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 the Township review the access to the municipal road and where required that the applicant at their expense have installed an access to the severed and retained property as approved by the Township.
5. 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.
6. That a parks dedication fee of \$1,000 be paid to the Township of Enniskillen.
7. That the applicant submits and has approved a rezoning of the property to recognize a reduction in the minimum farm size and to prohibit the construction of a dwelling unit on the retained farm land.
8. That a new septic tank be installed and connected to the existing bed and that the proper permits are obtained, inspections conducted and the applicable fees paid.
9. That the septic system location be included on the survey and a copy provided to the building department of the property file.

EFFECT OF WRITTEN AND ORAL SUBMISSIONS:

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

REASONS:

The severance complies with the Township Official Plan and Zoning Bylaw regarding the creation of a residential lot.

C. Application B003/20- 7:15 pm

An application submitted by Jay McGuffin on behalf of LaSalle Farms for a property located at 5272 Aberfeldy Line, Part Lot 23 Concession 1 in the Township of Enniskillen. The applicant proposes to separate a 2 acre lot containing a surplus dwelling unit.

Present: Jay McGuffin, Hannah Shirliff and Roger Buurma
Rob Nesbitt- County of Lambton

Correspondence:

Rob Nesbitt County of Lambton- Planning Report
Corrine Nauta County of Lambton- Building Department Reports
St Clair Region Conservation Authority
Clayton Brown-5278 Aberfeldy Line

Kevin Marriott introduced the application and requested that Mr. Nesbitt review his report.

Mr. Nesbitt reviewed his report regarding the application. He noted that the application met the requirements of the surplus dwelling unit policy. He expressed concern about whether the dwelling was habitable. Mr. Nesbitt noted that the severance if approved would require a new access to the retained farm property. Mr. Nesbitt discussed the minimum distance separation between the proposed house lot and a cattle farm south of the property.

Mr. Nesbitt recommended that the large shed located on the property should be removed to limit the potential of future uses not permitted by the zoning bylaw.

Mr. Nesbitt noted that the application could be supported subject to the removal of the large shed, construction of a new access, confirmation that the house was habitable and a rezoning to not permit a dwelling on the retained farm property and to recognize a reduction in the minimum distance separation between the cattle operation and the existing dwelling.

The St Clair Region Conservation Authority had no concerns regarding the application.

Clayton Brown objected to the application due to the condition of the large shed on the property. Mr. Brown asked a series of questions in the letter regarding the new farm access, who would pay for the entrance, the condition of the house, the condition of the septic system and the impact of the severance on the cattle operation to the south.

The Building department had carried out an inspection of the dwelling noting that it was structurally sound.

The Building department commented that since no septic inspection had taken place that conditions be applied to the approval requiring a septic inspection with the potential of a new Part 8 septic system be installed if the existing system was deemed to be inadequate.

It was noted that Marcel Lassaline had requested a copy of the decision of the committee regarding the application.

Mary Lynne McCallum questioned whether the house of the farm was connected to the municipal water system.

Mary Lynne McCallum questioned the odd shape of the proposed lot.

Mr. McGuffin noted that the lot included land that was not currently farmed and was limited to .8 hectares in size.

Roger Buurma commented that he wanted to retain the shed on the property but would accept the committee's decision on the matter.

Moved by Judy Krall

Seconded by Wally Van Dun

That application B003/20 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 the Township review the access to the municipal road for the severed and retained property and where required that the applicant at their expense have installed accesses approved by the Township.
5. That a parks dedication fee of \$1,000 be paid to the Township of Enniskillen.
6. 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.
7. That the applicant submit and have approved a rezoning of the property to recognize a reduction in the minimum distance separation from the livestock operation to the south and to rezone the retained farm land to prohibit the construction of a dwelling unit.
 8. That the septic system be partially uncovered to confirm the component location size and condition. That a revised detailed drawing be submitted. This must be completed to the satisfaction of the private sewage system coordinator
 9. That a site inspection be conducted to confirm the location of the septic system and to ensure that the sewage/effluent is not being emitted or discharged onto the surface and that it is wholly contained within the newly created parcel. In the event the septic system is noncompliant, a new Part 8 system will be required to be installed.
 10. That the septic system location be included on the survey and a copy provided to the building department.
 11. That the large shed on the property be removed from the property.

EFFECT OF WRITTEN AND ORAL SUBMISSIONS:

Submissions were made by the applicant's consultant, County Planning and Development Services, Building Department, St Clair Conservation Authority and local residents helped the Committee make an informed decision with appropriate conditions of approval.

REASONS:

The severance complies with the Township Official Plan and Zoning Bylaw permitting the separation of a surplus dwelling unit from a farm.

D. Application A001/20- 7:20 pm

An application submitted by Luc & Denise Tetreault the owners of 3878 Petrolia Line in the Township of Enniskillen. The applicant requests minor variances to Bylaw 58 of 2015 increasing the accessory building lot coverage and height to permit the construction of a 770 square foot garage with a height of 19 feet.

Present: Luc and Denis Tetreault
Rob Nesbitt County of Lambton

Correspondence:

Rob Nesbitt: County of Lambton-Planning Report

Kevin Marriott introduced the minor variance application and requested that Mr. Nesbitt review his report.

Mr. Nesbitt reported that the applicants proposed to construct a new two car garage on the property. The existing accessory building on the site exceeded the permitted coverage in the zoning bylaw. The new garage would further exceed the lot coverage. Mr. Nesbitt noted that the proposed garage was one foot higher than that permitted by the zoning bylaw.

In reviewing the policies for the Marthaville residential area he noted that the zone permitted larger lot coverage for accessory buildings.

Mr. Nesbitt noted that he could support the application if the applicants provided further details in regards to the usage of the existing accessory building and the need for the garage as well as the need for the increase in height.

The secretary read out a letter from the applicants describing the use of the existing accessory building and the proposed use of the garage. The applicants noted that garage height was designed to be in proportion to the height of the house on the property.

Wally Van Dun questioned about drainage for the existing accessory building. It was noted that the Slack Drain passed to the north of the building and a catch basin was located near the building to provide outlet for surface water.

Moved by Mary Lynne McCallum

Seconded by Judy Krall

That minor variance application A001/20 be approved to *Section 3.3.4 (c) and (e) of Bylaw 58 of 2015* increasing the accessory building coverage to 3,350 square feet and to increase the accessory building height to 19 feet to permit a 770 square foot square meter accessory building.

Carried.

CONDITIONS:

That the septic area be protected and clearly identified throughout the construction process.

That the proposed garage be located as depicted in the drawing submitted with the application.

REASONS FOR DECISION:

The minor variance to permit the construction of the accessory building maintains the purpose and intent of the Official Plan and Zoning Bylaw and is appropriate for the development of the land and is minor in nature.

E. Adjournment

Moved by Judy Krall

Seconded by Wally Van Dun

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

Carried.

Chair

Secretary