

THE CORPORATION OF THE TOWNSHIP OF ENNISKILLEN

FIFTH MEETING

MINUTES

OCTOBER 19 2020

A meeting of the Committee of Adjustment of the Township of Enniskillen was held on Monday October 19 2020 at 7:00 pm at the Enniskillen Council Chambers.

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 September 21 2020 be adopted as circulated.
Carried.

- B. Application B005/20 by Donna May Teskey and Marie Erickson the owners of 3263 Petrolia Line in the Township of Enniskillen. The applicants propose to separate a 2 acre lot containing a surplus dwelling unit from the farm property.

Correspondence:

Rob Nesbitt County of Lambton

Corrine Nauta County of Lambton

St Clair Region Conservation Authority

Present: Donna May Teskey and Marie Erickson

Rob Nesbitt County of Lambton

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

Mr. Nesbitt reported that the applicants owned farm land outside of the County and made the application made on the premise that the house on the subject property was surplus to their needs.

Mr. Nesbitt reviewed the Official Plan designation for the property and the zoning provisions for the Agriculture A1 Zone.

Mr. Nesbitt reported that if the Committee approved the application policy required that the remnant farm parcel be rezoned to prohibit the construction of a dwelling.

Mr. Nesbitt reviewed the Official Plan policies related to creation of the residential lot.

Mr. Nesbitt reported that the County Building department had not made recommendations to make changes to the septic system on the property. A request had been made to locate the septic system on the survey of the property.

Mr. Nesbitt noted that the grain bins and the shed should either be left on the farm or removed from the proposed residential lot.

He reported that County public works would not provide an access to Petrolia Line for the retained farm property.

Mr. Nesbitt noted that accommodations in the zoning would be necessary to recognize a reduced rear yard setback associated with the shed if it were left on the residential lot.

The St Clair Conservation Authority commented on the application.

Judy Krall questioned the applicants as to whether they wanted to leave the accessory buildings with the farm.

Mary Lynne McCallum noted that the grain bins should be removed from the property.

Moved by Wally Van Dun

Seconded by Mary Lynne McCallum

That application B005/20 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 drainage areas. 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 retained farm property to prohibit the construction of a dwelling unit, recognize an oversized accessory building (214 square meters) and a reduced rear yard setback (1.5 meters).
8. That the two grain storage bins be removed from the severed lot.
9. That the septic system location be included on the survey and a copy provided to the building department.
10. That eve troughs be installed on the drive shed outletting water unto the proposed residential lot.

Effect of Oral and Written Submissions:

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

Reasons:

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

- C. Application B006/20 by Nino Silvestri for a property located at 3167 Rokeby Line, Part lot 2 Concession 8 in the Township of Enniskillen. The applicant proposes to separate a 5 acre lot to permit the construction of a residential dwelling.

Correspondence:

Rob Nesbitt County of Lambton
Corrine Nauta County of Lambton
St Clair Region Conservation Authority
Neil Lucier

Present: Nino Silvestri, Larry Smale
Rob Nesbitt County of Lambton

Chad Burke declared a conflict of interest in that his brother in law was proposing to purchase the property subject to the application.

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

Mr. Nesbitt reviewed the Official Plan designations for the property and the described the dimensions of the existing and proposed lots.
Mr. Nesbitt reported that the only policy that permitted the creation of residential lots in rural areas was the surplus dwelling unit policy.

Mr. Nesbitt discussed the Official Plan policies discouraging development within areas with significant woodlots. He also noted that Official Plan only provided policy to create a residential lot through the surplus dwelling unit provision.

Mr. Nesbitt reported that the application did not conform to the Official Plan policies and could not be supported.

The County Building department requested that in the event of the approval of the application that a condition be applied to the decision requiring that the septic system on the current property be located on the survey and submitted to their office.

The St Clair Conservation Authority recommended that the proposed 5 acre lot be reduced to 2 acres and limited to the table land fronting on Rokeby Line. This would have least impact on the Natural Heritage features on the property.

Neil Lucier submitted correspondence indicating that he objected to the application. He noted that the boundary between their two properties was in dispute. He had concerns that any new house constructed on the proposed 5 acre parcel would be built in direct view of his home. He noted that all professionals that he contacted indicated that the proposed severance should not be permitted.

Nino Silvestri noted that Mr. Lucier's parents had constructed the access driveway to their property on his property. He noted that Mr. Lucier would be required to move the driveway.

A discussion took place in regards to reducing the proposed lot to 2 acres. Mr. Silvestri noted that he would rather have the lot at five acres.

Larry Smale questioned the recommendations of the Conservation Authority proposing the reduction in lot size. Statements were made that the significant woodlot was make up of thorn trees.

Mary Lynne McCallum stated that the proposed lot was a great place to build a house.

Moved by Judy Krall

Seconded by Mary Lynne McCallum

That application B006/20 be approved subject to conditions.

Carried.

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 Road Superintendent review the access to the municipal road and where required that the applicant at their expense have installed an access approved by the Road Superintendent for the severed and remnant properties.
5. That a parks dedication fee of \$1,000 be paid to the Township of Enniskillen.
6. That the applicant be required to connect the severed lot to the municipal water system.

Effect of Oral and Written Submissions:

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

Reasons:

The Committee of Adjustment considered the creation of the lot to comply with the development policies of the Official Plan.

D. Application B001/20 by Justin Thompson Kettle Lane

Proposed amendment to condition of severance.

The Clerk reported that Application B001-20 had been approved by the Committee of Adjustment in February of 2020. Condition 7 of the decision required that a report be prepared under the Drainage Act to address drainage issues related to the proposed lot.

The applicants had failed to proceed with the condition and would not be able to meet the requirements of the condition before the expiry of the decision.

The Clerk noted that a request had been put forward to amend condition 7 to read as "that the applicant prepare a site drainage plan for the proposed lot that is to be reviewed and approved by the municipality".

The Clerk noted that the amendment was considered minor in nature.

Moved by Mary Lynne McCallum

Seconded by Wally Van Dun

That Condition 7 of Application B001-20 be amended to read:

“that the applicant prepare a site drainage plan for the proposed lot that is to be reviewed and approved by the municipality”.

Carried.

E. Adjournment

Moved by Wally Van Dun

Seconded by Judy Krall

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

Carried.

Mayor

Secretary