

THE CORPORATION OF THE TOWNSHIP OF ENNISKILLEN

COMMITTEE OF ADJUSTMENT

FIRST MEETING

MINUTES

JANUARY 18 2021

A meeting of the Committee of Adjustment of the Township of Enniskillen was held on Monday January 18th 2021 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 January 14th 2021.

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 Chad Burke

That the minutes of the meeting of October 19 2020 be adopted as circulated.

Carried.

B. Application A001/21

An application by Rick Racher the owner of 3760 Shiloh Line in the Township of Enniskillen. The applicant proposes to operate a vehicle repair facility as a home occupation in a barn. The applicant requests minor variances to Bylaw 58 of 2015 Section 3.10.2 (b) to reduce a setback of 200 meters to 140 meters from a neighbouring house and (g) increasing the area of the home occupation from 93 square meters to 93.7 square meters.

Present: Rick Racher

Rob Nesbitt County of Lambton

Correspondence:

Rob Nesbitt County of Lambton

Mr. Nesbitt reviewed his report regarding the minor variance application.

He discussed the Official Plan policies that supported the development of home occupations on Agriculturally designated properties. Mr. Nesbitt noted that the reduction in the setback could be justified based on the positioning of a hedge and conditions that would limit the location of vehicles associated with the proposed repair shop. requested variance. He noted that the increase in the area used by the proposed use was not significant.

Mr. Nesbitt reviewed the zoning regulations for home occupations noting that no more than two employees not living on the farm could work at the site.

Mr. Nesbitt concluded his comments by noting that the application met the four tests of the Planning Act.

Rich Racher noted that he farmed and that the activity was a seasonal hobby for him the remainder of the year.

Moved by Judy Krall

Seconded by Chad Burke

That minor variance application A001/21 be approved to Section 3.10.2 (b) reducing the 200-meter setback to 140 meters from a neighbouring house and (g) increasing the area of the home occupation from 93 sq meters to 93.7 sq meters.

CONDITIONS:

1. That all repairs be carried out inside the building.
2. That all parking be provided in front of and adjacent to the buildings south wall.
3. That no equipment or materials associated with the vehicle repair facility are to be stored outside the building.

REASONS FOR DECISION:

The minor variance to permit the operation of the vehicle repair facility 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.

C. Application B001/21

An application submitted by Jim and Nancy Vanderjagt of 4227 Marthaville Road in the township of Enniskillen. The applicants propose to create a 3.7-acre residential lot.

Present: Jim and Nancy Vanderjagt
Rob Nesbitt County of Lambton

Correspondence:

Rob Nesbitt County of Lambton
Corrine Nauta County of Lambton

Mr. Nesbitt reviewed his report regarding the proposed severances and confirmed that the application met the policies for the creation of a residential lot. Mr. Nesbitt recommended that the driveway to the Vanderjagt home located on the proposed lot be moved. He also noted that a municipal tile drain called the

Slack Drain crossed the proposed residential lot. He noted that there was a requirement for any building to maintain a setback from the drain. Mr. Nesbitt reported that there was sufficient land in the proposed lot for a house to be positioned.

Mr. Nesbitt reported that under the current zoning no additional lots could be created on the property.

The correspondence from the building department was reviewed noting that no concerns were expressed concerning the existing septic system on the property. A request was made that if approved the existing septic system be plotted on a survey map and be submitted to the building department.

Mr. Nesbitt noted that the property did not exist within the regulated area of the St Clair Region Conservation Authority.

Moved by Mary Lynne McCallum

Seconded by Judy Krall

That application B001/21 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 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.
7. That the septic system location be included on the survey and a copy provided to the Building Department for the property files.

EFFECT OF WRITTEN AND ORAL SUBMISSIONS:

Submissions were made by the applicants, County Planning and Development Services and Building Departments which helped the Committee make an informed decision with appropriate conditions of approval.

REASONS:

The property is located in an area with similar residential lots. The creation of the lot will not be out of character with nearby properties and will not result in any impacts on agricultural uses.

Mr. and Mrs. Vanderjagt requested that the new owners be required to pay for the water service for the proposed lot. No change was made to the condition.

D. Adjournment

Moved by Chad Burke

Seconded by Judy Krall

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

Carried.

Chair

Secretary