

THE CORPORATION OF THE TOWNSHIP OF ENNISKILLEN

COMMITTEE OF ADJUSTMENT

SECOND MEETING

MINUTES

APRIL 19TH 2021

A meeting of the Committee of Adjustment of the Township of Enniskillen was held on Monday April 19th 2021 at 7:10 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.

www.enniskillen.ca

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 16th 2021 be adopted as circulated.

Carried.

- B. An Application by Tahna Kirby owner of 2624 Mandaumin Road in the Township of Enniskillen. The applicant proposes to construct a 32 ft. X 40 ft. garage on the property. The applicant requests a minor variance to Bylaw 58 of 2015 Section 3.3.5 to increase the detached accessory lot coverage from 298 square meters to 417 square meters.

Present: Tahna Kirby and Rob Nesbitt

Correspondence:

Rob Nesbitt County of Lambton

Corrine Nauta County of Lambton

Mr. Nesbitt reviewed his report to the committee. He noted that the existing lot in the agriculture zone had an existing accessory building that was 298 square meters. He noted that the applicants request to construct a garage would exceed the maximum accessory building lot coverage.

Mr. Nesbitt proceeded to outline that the proposed structure would replace a previous garage on the property. Mr. Nesbitt reviewed the four tests of the Planning Act and recommended that the the proposed structure would meet the tests.

The correspondence from Corrine Nauta noted that if approved that a condition be applied that would require that the septic system be protected during construction.

Moved by Mary Lynne McCallum

Seconded by Judy Krall

That minor variance application A004/21 be approved to Section 3.3.5 of Bylaw 58 of 2015 to increase the detached accessory lot coverage from 298 square meters to 417 square meters.

Carried

CONDITIONS:

1. That the proposed accessory building must be located on the property as shown on the sketch that was submitted with the minor variance application.
2. That the septic area be protected and clearly identified through out the construction process. Compaction of this area is not permitted and access should be denied by equipment and the general public at all times.

REASONS FOR DECISION:

The minor variance as outlined in the planning report meets the four tests of the Planning Act, the purpose and intent of the Official Plan and Zoning Bylaw are maintained and is appropriate for the development of the land and is minor in nature.

- C. An application by Francis and Lorie Haight of 3935 Tile Yard Road in the Township of Enniskillen. The applicants propose to create a 0.8-hectare residential lot.

Present: Francis Haight and Rob Nesbitt

Correspondence:

Rob Nesbitt County of Lambton

Corrine Nauta County of Lambton

Mr. Nesbitt reviewed his report to the committee. He reported that the property was located in a rural cluster within the Township Official Plan. The property was located in an area zoned Residential R 2 and Environmental Protection. He noted that the area was a developed residential area and the proposed lot would be considered infilling. He reported that due to the topography the access to the site would need to be located to the north of the lot.

Mr. Nesbitt noted that due to the topography of the lot that a geotechnical report should be prepared to determine the suitability of building on the lot.

Mr. Nesbitt noted that a permit may be required from the Conservation Authority to build on the lot.

A discussion took place regarding whether to defer a decision until a report was received from the Conservation Authority and or the preparation of a geo technical report.

Moved by Mary Lynne McCallum

Seconded by Judy Krall

That application B002/21 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 a review be undertaken of the Tile Yard Road Drain report and that the applicants agreed to pay the costs of preparing a revised schedule of assessment resulting from the creation of the new lot.
8. That the septic system location be included on the survey and a copy provided to the building department for the property file.
9. That a site inspection be conducted to confirm the location of the septic system and to ensure 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 not compliant, a new part 8 system will be required to be installed.
10. That the septic system be partially uncovered to confirm the component location, size and condition. That a detailed drawing be submitted. This must be completed to the satisfaction of the Building Services Department.
11. That the applicant provide a geotechnical report to assess the land upon request of the Conservation Authority

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 zoned Residential. The lot is located in an area with similar residential lots. The creation of the lot will not be out of character with nearby properties.

- D. An application by Robert & Christina Core of 3328 Oil Heritage Road in the Township of Enniskillen. The applicants propose to create a 0.8-hectare lot.

Present: Rob Core, Christina Core and Leland Martin

Correspondence:

Rob Nesbitt County of Lambton
Corrine Nauta County of Lambton
Charles and Darlene Lassaline

Rob Nesbitt reviewed his report noting that the applicants had applied for a severance to create a two-acre parcel from their farm. The lot would provide a building lot for his son who would eventually own and operate the farm.

Mr. Nesbitt noted that there was no policy within the provincial policy statements, County Official Plan or Township Official Plan that would support the application.

Mr. Nesbitt noted that he could not support the application.

Kevin Marriott noted that the correspondence from the Chief Building Official and Charles and Darlene Lassaline had been circulated to the committee.

Leland Martin spoke in support of the application. He noted that there was a need for dwellings for young persons to live and farm in the community.

Rob Core spoke to the application informing the committee of the alternatives that had been undertaken to find property for his son to construct a dwelling. He noted that his succession plan had his son taking over the farm operation. Mr. Core noted that it was difficult to obtain a mortgage at the age of 28 to purchase property.

The committee members discussed the application noting that they could not support the creation of a two-acre parcel. A discussion took place regarding a farm severance.

Moved by Judy Krall
Seconded by Mary Lynne McCallum
That application B003/21 be denied.
Carried.

No Conditions.

EFFECT OF WRITTEN AND ORAL SUBMISSIONS:

Submissions were made by the applicants, neighbours, County Planning and Development Services and Building Department and helped the Committee make an informed decision.

REASONS:

The application does not conform with the Provincial Policy Statements, the County of Lambton Official Plan and the Enniskillen Township Official Plan.

Judy Krall questioned Mr. Nesbitt about the actions that could be taken to provide compatibility between farming operations and abutting residential areas.

Adjournment

Moved by Wally Van Dun
Seconded by Mary Lynne McCallum
That the committee of Adjustment meeting be adjourned and that the meeting of Council be reconvened.
Carried.

Chair

Secretary