

THE CORPORATION OF THE TOWNSHIP OF ENNISKILLEN

COMMITTEE OF ADJUSTMENT

SECOND MEETING

MINUTES

MARCH 21 2022

A meeting of the Committee of Adjustment of the Township of Enniskillen was held on Monday March 21 2022 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. 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 Chad Burke

That the minutes of the meeting of January 24 2022 be adopted as circulated.
Carried.

B. Application B001/22 by Wayne & Debbie Dupuis of 5706 Petrolia Line in the Township of Enniskillen. The applicants propose to sell their farm to John Griffith and retain their dwelling and accessory buildings on a 2.7-acre lot.

Present: Wayne and Deb Dupuis
Rob Nesbitt County of Lambton

Correspondence: Rob Nesbitt County of Lambton
Greg Botting County of Lambton Public Works
Corrine Nauta County of Lambton
Laura Biancolin St Clair Region Conservation Authority

Mr. Nesbitt reviewed his report on the application. He noted that the property consisted largely of agricultural land with a woodlot. He reviewed the official plan policies noting the application would qualify within the policy provisions for a surplus dwelling unit.

Mr. Nesbitt recommended to the committee that the three grain bins and the barn on the property either be left on the farm lot or removed.

Mr. Nesbitt noted that the Official Plan policies required that the retained farm property be rezoned to prohibit the construction of a future dwelling unit.

He noted also that the rezoning should include a provision to recognize the tiling business on the retained lot.

Wayne Dupuis noted that he was prepared to remove the three grain bins.

The Secretary noted that the Public Works department of the County of Lambton requested that a road widening of 7 feet be transferred to the County of Lambton. The Building Department requested that the septic system be drawn onto the survey for the proposed residential lot and be submitted to the department. The St Clair Region Conservation Authority had no objection to the application. A letter had been received from the MacDougall family who noted they had no objection to the severance.

Moved by Mary Lynne McCallum

Seconded by Judy Krall

That application B001/22 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 two years 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 two years after the notice of decision of this consent.
4. That a parks dedication fee of \$1,000 be paid to the Township of Enniskillen.
5. 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.
6. That the applicant submits and have approved a rezoning of the retained farm property to prohibit the construction of a dwelling unit, and recognize the existing tiling business and associated buildings on the severed lot.
7. That the three grain storage bins be removed from the severed lot.
8. That the septic system location be included on the survey and a copy provided to the building department.
9. That the applicant obtain permission from the County of Lambton and install a new access to the farm property.

EFFECT OF WRITTEN AND ORAL SUBMISSIONS:

Submissions were made by the applicant, County Planning and Development Services and Building Department which 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.

Moved by Judy Krall
Seconded by Wally Van Dun
That Committee of Adjustment move into Council.
Carried.

Moved by Wally Van Dun
Seconded by Judy Krall
That the Council move into Committee of Adjustment.
Carried.

- C. Application A002/22 (8:00 pm) by Francis & Lorie Haight the owner of 3935 Tile Yard Road in the Township of Enniskillen. The applicants propose to create a building envelope for the construction of a new single family dwelling unit outside of the regulated area of the conservation authority. The applicant requests minor variance to Bylaw 58 of 2015 **Schedule A** to reduce the front yard set-back from 20 meters to 13 meters.

Present: Wayne and Lorie Haight
Rob Nesbitt County of Lambton

Correspondence: Rob Nesbitt County of Lambton
Corrine Nauta County of Lambton
Laura Biancolin St Clair Region Conservation Authority

Mr. Nesbitt reviewed his planning report regarding the proposed minor variance for 3935 Tile Yard Road.
He noted that a severance had been granted to create a residential lot which required that the applicant obtain a geo technical report to confirm that a dwelling could be built on the proposed lot.

The applicants had engaged a surveyor to determine the top of bank of Durham Creek. The applicants had proposed a building envelope be created outside of the 6-meter setback from the top of bank. The applicants had submitted the minor variance application to reduce the front yard setback from 20 meters to 13 meters to create sufficient area to construct a dwelling.

Mr. Nesbitt noted that the correspondence from the Conservation Authority had no objection to the proposed minor variance.
Mr. Nesbitt noted in discussion that the application met the tests for a minor variance. He noted that the application could be approved subject to conditions.

Mr. Haight noted that the Planner had covered everything associated with the application.

Moved by Mary Lynne McCallum

Seconded by Judy Krall

That minor variance application A002/22 be approved to Bylaw 58 of 2015 Schedule A reducing the front yard setback from 20 meters to 13 meters.

Carried.

CONDITIONS:

1. That a septic permit be obtained at the time a building permit application is submitted for a dwelling on the proposed lot.
2. That all development on the proposed lot must be located at least 6 meters from the top of bank.
3. That the applicant must obtain written approval from the SCRCA to allow the development to be located less than 15 meters from the top of bank.

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.

D. Adjournment

Moved by Wally Van Dun

Seconded by Judy Krall

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

Carried.

Chair

Secretary