

THE CORPORATION OF THE TOWNSHIP OF ENNISKILLEN

FIFTH MEETING

MINUTES

DECEMBER 4 2023

A meeting of the Committee of Adjustment of the Township of Enniskillen was held on Monday December 4 2023 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 5 2023 be adopted as circulated.  
Carried.

B. Application B004/23 made by John and Janet Smith the owners of 3843 Petrolia Line in the Township of Enniskillen. The applicant proposes to sever approximately 1.72 hectares (4.25 acres) of land from their property and sell it to the abutting property on 3795 Petrolia Line. The proposed consent application is conditional on approval of minor variance application A004/23.

C. Application A004/23 has been made by Steve and Diane O'Hanlon the agents for John Smith, the owner of 3843 Petrolia Line in the Township of Enniskillen. A severance application has been submitted to separate a 1.72-hectare parcel to be added to the lot of Steve and Dianne O'Hanlon at 3795 Petrolia Line. The applicant requests a minor variance to Bylaw 58 of 2015 Table A Agriculture A1 to (1) reduce the minimum lot frontage from 150 meters to approximately 138 meters and (2) reduce the minimum lot area from 38 hectares to approximately 36 hectares.

Present: Diane and Steve O'Hanlon

County of Lambton: Jarod Preston and Ken Melanson

Correspondence:

Jarod Preston- County of Lambton

Corrine Nauta- Manager Building Services

St Clair Region Conservation Authority

Jarod Preston presented an overview of his planning report. Mr. Preston noted that the Smiths proposed to separate 1.72 hectares of land to be sold to their abutting neighbours. He noted that the minor variance application would recognize a smaller lot frontage and a smaller farm size.

Mr. Preston reviewed photos of the properties and buildings. He reviewed the provincial planning policies and the Official Plan policies for the County and Township. Mr. Preston confirmed that the lot enlargement conformed to the policies of the various plans.

He noted that the minor variance would recognize a farm lot frontage of approximately 138 meters and a retained farm size of approximately 36 hectares. Mr. Preston reported that the variances were minor in nature, were appropriate for the development of the land and met the general purpose and intent of the Official Plan and Zoning Bylaw. Mr. Preston noted that the lot enlargement would not trigger an MDS review for livestock.

Moved by Councillor Krall  
Seconded by Councillor Van Dun  
That severance application B004/23 be approved with conditions.  
Carried.

Conditions:

1. That the Certificate of Consent under Section 53(42) of the Planning Act shall be given within two years of the date of the notice of the decision. The request for the Certificate of Consent shall be accompanied by a written submission that details how each of the conditions of severance have been fulfilled. That if the conditions are not fulfilled in that two-year period, the consent expires (there is no ability to be extended).
2. That a copy of the deeds and survey in a form suitable for registration be deposited with the Secretary Treasurer.
3. The severed land must be deeded in the same name and interest as the property immediately to the west 3795 Petrolia Line. Section 50 (3) of the Planning Act applies to any future transactions involving the severed land.
4. 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 work and agree to the revised schedules.
5. The Hazard Designation and Environmental Protection Zones remain on the retained, severed and receiving parcels.
6. That a fee of \$250.00 be paid to the Township of Enniskillen by cash or certified cheque.
7. That the applicant submits and has approved a minor variance of the farm property to recognize reduction in the lot frontage and minimum farm size.

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

Reasons:

The proposed consent is consistent with the Planning Act, Provincial Policy Statements (PPS), County and Township Official Plan (OP) and Zoning Bylaw.

Moved by Mary Lynne McCallum

Seconded by Chad Burke

That minor variance application A004/23 be approved to Bylaw 58 of 2015 Table A- Agriculture reducing the minimum lot frontage to approximately 138 meters and that the minimum lot area be reduced to approximately 36 hectares.

Conditions:

1. That severance applicant B004/23 be approved.

Reason 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. Application B005/23 has been made by Jim and Debra Bygrove the owners of 3129 Petrolia Line in the Township of Enniskillen. The owners propose to sever a lot containing the dwelling located at 3117 Petrolia Line.

Present: Jim Bygrove

County of Lambton: Jarod Preston and Ken Melanson

Correspondence:

Jarod Preston- County of Lambton

Corrine Nauta- Manage Building Services

St Clair Region Conservation Authority

Jarod Preston presented a series of photos and a map of the site of the proposed severance.

Mr. Preston reported that the proposed severance was not supported by the provincial policy statement, the County or Township Official Plans.

Mr. Preston noted that the application did not contain a surplus dwelling unit to the farm operation.

Mr. Preston recommended that application B005/23 be denied.

Jim Bygrove noted that the farm had been in the family for 150 years. He noted that permission had been granted to build the house in the current location rather than on the west side of the property.

Mr. Bygrove noted that he had fulfilled all of the requests of the County to build the house for his son.

Ken Melanson noted that the zoning did permit a second farm dwelling on the property. He noted that there was no policy to permit the severance of the house from the property.

Jim Bygrove noted that if the farm was sold to a farmer with a second house that farmer could separate a house from the farm. Mr. Bygrove noted that his son worked on the farm.

Ken Melanson noted that the provincial policy statements for farm severance were under review. He noted if the policy statements were amended both the County and Township Official plans would need to be amended.

Moved by Mary Lynne McCallum  
Seconded by Judy Krall  
That application B005/23 be denied.  
Carried.

No Conditions.

Reasons:

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

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

#### 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 be reconvened.  
Carried.

FIFTH MEETING

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DECEMBER 4 2023

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Chair

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Secretary