

MINUTES

OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, May 5, 2011

The Oxford County Land Division Committee met in the Council Chambers, County Administration Building, Woodstock, Ontario, on Thursday, May 5, 2011 at 10:00 a.m. with the following individuals:

Chairman	-	J. de Bruyn
	-	G. Brumby
	-	W. Buchanan
	-	H. Elliott
	-	M. Hacon
	-	J. Palmer
Corporate Manager	-	G. Hough
Secretary-Treasurer	-	L. Taschner

DECLARATION OF CONFLICT OF INTEREST:

None.

APPROVAL OF MINUTES:

Moved by: J. Palmer
Seconded by: G. Brumby

"The Minutes of the Meeting of April 7, 2011, be approved as printed and circulated."

CARRIED.

BUSINESS ARISING FROM MINUTES:

None.

GENERAL BUSINESS:

Correspondence requesting a Change of Condition was received from Jim Horvath regarding Application #B10-40-7; #A10-09-7 (Julia Koteles & Estate of John Koteles). He is requesting that Condition No. 2 of the decision dated November 4, 2010 be amended to read as follows:

"The applicant enter into a standard Severance Agreement with the Town of Tillsonburg, to the satisfaction of the Town. The Severance Agreement shall include a requirement that the applicant remove the existing driveway located on the lot to be severed and enlarged, and re-locate said driveway on the property to the north of the former rail line, to the satisfaction of the Town of Tillsonburg and the Town Engineering Department."

The Committee discussed the condition and it was decided that a Notice of Change of Conditions would be re-circulated to everyone who received the original Notice of Decision, as the change is considered to be a major change.

Moved by: J. Palmer
Seconded by: H. Elliott

'A Notice of Change of Conditions be sent reflecting the change in Condition No. 2, as the change is considered to be a major change.'

CARRIED.

CORRESPONDENCE:

None.

APPLICATIONS FOR CONSENT:

#B11-05-8; #A11-03-8 – Daniel M. Slager (Lot 11, Reg. Plan 213, City of Woodstock)

Daniel Slager was in attendance to present his application. Also in attendance was Ron Ferrell, 96 Dover Street, Woodstock ON N4S 3M1. D. Slager indicated that he purchased the lot with the intention of severing a building lot. He stated that he concurred with the findings and suggested conditions of the staff Planning Report.

The purpose of the Application for Consent is to create a residential building lot. The lot to be severed will cover an area of 1,073 sq. m (11,550 sq. ft), and contains no buildings or structures. The lot to be retained will cover an area of 1,048.7 sq. m (11,288.5 sq. ft), and contains an existing single detached dwelling and a metal shed. It is proposed that a single detached dwelling will be constructed on the lot to be severed. The owner has also applied for a Partial Discharge of Mortgage.

Permission for relief is sought from Section 6.0 – Table 6.2 – Zone Provisions, Interior Side Yard Width, of the City of Woodstock Zoning By-law No. 8626-10 to reduce the interior side yard width of the retained lot from 3.0 m (9.8 ft) to 2.7 m (8.9 ft) between the existing dwelling and the southerly lot line.

G. Hough reviewed the staff Planning Report and pointed out that the subject property is designated for low density residential development. He noted that the property meets the R1 Zone provisions, and explained that a minor variance has been requested to recognize the interior side yard deficiency on the lot to be retained. He stated that there is a mix of lot sizes and in the area and the severance will not be out of character with the neighbourhood. The application is consistent with the 2005 Provincial Policy Statement and complies with the Oxford County Official Plan.

J. de Bruyn questioned whether the owner will need to meet certain requirements of where to locate the new house. In response, G. Hough stated that the Woodstock Zoning By-law has a standard of 6.0 m in the R1 Zone, but the developer will be required to meet the established building line, which is determined by the average measurement taken of each house on each side of the new home.

D. Slager stated that he is in agreement with the location of the proposed house.

R. Ferrell stated that he was in attendance to voice his concerns, and those of the neighbours in the area of the severance. He explained that the existing curb is approximately one-half metre too far to the west, thus resulting in a narrow street. Parking is permitted on the west side of the road; however, people park on the east side as well. He noted that the new home will result in more on-street parking. He indicated that he has contacted the City By-law Officer, and even the police. He voiced his concern about the parking situation and stated that it was his opinion that there will not be enough room for emergency vehicles to enter and exit on Dover Street.

Moved by: H. Elliott
Seconded by: J. Palmer

'Granted'

#B-11-05-8

CONDITIONS:

1. The owner shall enter into a Severance Agreement with the City of Woodstock as set forth in the City of Woodstock By-law No. 5266-76, and amendments thereto.

2. The owner shall agree, in writing, to satisfy all requirements, financial and otherwise, of the City of Woodstock regarding the installation of services and drainage facilities.
3. The owner confirms that no underground or overhead services serving the retained lands traverse the severed parcel and visa versa. Where such services exist, the applicant shall relocate the services or obtain private easements over the severed and/or retained lands, to the satisfaction of the City of Woodstock.
4. The owner shall provide a recent survey to the City of Woodstock which outlines lot dimensions, lot and building areas and building setbacks which will confirm the information supplied in consent application #B11-05-8, to the satisfaction of the City.
5. The owner shall supply and install two legal parking spaces on the retained lot, to the satisfaction of the City of Woodstock Engineering Department.
6. The Clerk of the City of Woodstock advise the Secretary-Treasurer of the Land Division Committee that all requirements of the City of Woodstock have been complied with.
7. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year of the mailing of this Notice of Decision. If all conditions are not met within one year, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within one year, the consent herein shall lapse.

REASONS:

1. The application for consent is consistent with the 2005 Provincial Policy Statement.
2. The application for consent complies with the policies of the County of Oxford Official Plan.
3. The subject property is appropriately zoned.

#A-11-03-8

CONDITION:

1. The southerly interior side yard setback for the lot to be retained be no less than 2.7 m (8.9 ft).

REASONS:

1. The variance requested is a minor variance from the provisions of the City of Woodstock Zoning By-law No. 8626-10.
2. The variance requested is desirable for the appropriate development or use of the land, building or structure.
3. The variance requested is in keeping with the general intent and purpose of the County of Oxford Official Plan.
4. The variance requested is in keeping with the general intent and purpose of the City of Woodstock Zoning By-law No. 8626-10.

CARRIED.

#B11-06-2 – Tru-Built Construction (Part Lot 16, Conc. 12, Township of East Zorra-Tavistock, formerly Township of East Zorra)

Troy Harrett, of Tru-Built Construction was in attendance to present his application. Also in attendance was Mr. Terry Sims, 595952 Highway 59, R. R. #6, Woodstock ON N4S 7W1. T. Harrett briefly explained his application. He stated that he originally thought about severing the property into 3 or 4 lots; however, to appease the neighbours, he decided to create only one lot. He indicated that he will be constructing larger homes on the both the severed and retained lots.

The purpose of the Application for Consent is to create a residential building lot. Both the lot to be severed and the lot to be retained will cover an area of 1.0 ha (2.5 ac), and are currently vacant. A single detached dwelling is proposed to be constructed on both the severed and retained lots. The owner has also applied for a Partial Discharge of Mortgage.

G. Hough presented the staff Report. He pointed out that the property is located within a Rural Cluster and is zoned Estate Residential (ER). He noted that the severance represents a good use of the land. The application is consistent with the 2005 Provincial Policy Statement and complies with the Oxford County Official Plan. He explained that a re-zoning of the lots to be severed and retained will be necessary. Planning staff has recommended approval subject to a number of conditions.

T. Harrett stated that he concurred with the findings and suggested conditions of the staff Planning Report.

Terry Sims stated that he owns the lot to the immediate east of the subject property. He has owned his property for 14 years and was of the understanding that the lots were created as executive lots. He noted that T. Harrett approached him that he would be selling the property as one lot and would be constructing an executive home on it. He suggested that the severance is not in keeping with the area and is opposed to the severance.

G. Brumby asked whether each lot will have its own well and septic system. In response, G. Hough stated they would. G. Brumby asked for a clarification between the Estate Residential (ER) and Residential Existing (RE) zones. G. Hough pointed out that historically the Municipality wanted areas for estate uses, resulting in larger residential lots, identified as ER zoned lots. He noted that RE lots represent those lots that were in existence at the time the Zoning By-law was passed. Basically, he indicated that there is no substantial difference between the two. G. Brumby pointed out that there is a woodlot and wondered whether it was identified in the By-law as such. In response, G. Hough stated that it is not identified in the Oxford Natural Heritage Study as being significant.

W. Buchanan questioned whether the ER lot had a minimum lot size requirement in the previous Township Zoning By-law? G. Hough stated that he was not sure.

J. de Bruyn questioned whether the lot size at the time the Zoning By-law was passed is identified by the ER Zoning? G. Hough agreed. J. de Bruyn further asked whether a re-zoning will be necessary. In response, G. Hough indicated that re-zoning was necessary and stated that the lots will be re-zoned to Rural Residential (RR).

W. Buchanan pointed out that the lots across the road are still zoned ER and recommended that the severed and retained lots be re-zoned to a special ER Zone.

J. de Bruyn wondered whether further severances would be permitted. In response, G. Hough pointed out that zoning is an implementation tool and the property would need to meet the policies of both the Official Plan and the zone provisions of the Township Zoning By-law. J. de Bruyn further questioned what the frontage requirements are for the RR Zone. In response, G. Hough stated that the frontage requirement is 35 m (114 feet), and the lot area requirements if (30,000 sq. ft.).

W. Buchanan questioned if there were restrictions on the builder in the ER Zone? G. Hough stated that there were no minimum requirements for house sizes.

G. Hough re-iterated that there are no differences between the ER and RR Zones, and if the Committee felt the ER Zone would better reflect the area, Planning staff would have no problem with this.

T. Harrett questioned whether the process for re-zoning a property or amending an existing zone was the same, as far as the fees are concerned. In response, G. Hough stated that there was no difference; the zone change is handled at the Township level.

Moved by: J. Palmer
Seconded by: G. Brumby

'Granted'

CONDITIONS:

1. The lots to be severed and retained be appropriately re-zoned.
2. If required, drainage assessment re-apportionment be undertaken, pursuant to Section 65 of The Drainage Act, R.S.O., 1990, at the applicant's expense, to the satisfaction of the Township of East Zorra-Tavistock.
3. The owner enters into a standard Severance Agreement with the Township of East Zorra-Tavistock to the satisfaction of the Township.
4. If required, the owner shall provide a detailed lot grading plan for the lots to be severed and retained.
5. The owner shall provide proof of potable water for the lot to be severed, to the satisfaction of the County of Oxford Public Works Department.
6. If required, a road widening along the frontage of the lot to be severed and the lot to be retained be dedicated to the Township of East Zorra-Tavistock, free of all costs and encumbrances, to the satisfaction of the Township.
7. The owner meet the requirements of the Township regarding driveway access, to the satisfaction of the Township of East-Zorra Tavistock.
8. The owner submit a payment of \$750.00 cash-in-lieu for parkland purposes to the Township of East Zorra-Tavistock, to the satisfaction of the Township.
9. The Clerk of the Township of East Zorra-Tavistock advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Township, financial, services and otherwise, have been complied with.
10. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year of the mailing of this Notice of Decision. If all conditions are not met within one year, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within one year, the consent herein shall lapse.

REASONS:

1. The application for consent is consistent with the 2005 Provincial Policy Statement.

-
2. The application for consent complies with the policies of the County of Oxford Official Plan.

CARRIED.

#B-11-12-8; #A11-02-8 – Koulla Patsalides (Lot 8, Plan 197, City of Woodstock)

Nick Pastalides, husband of the owner, together with Terry Da Costa of Boss Services, the owner's agent, was in attendance to present the application. T. Da Costa briefly explained the application to the Committee.

The purpose of the Application for Consent is to separate an existing semi-detached dwelling into two separate lots. The lot to be severed will cover an area of 206.44 sq. m (2,222.2 sq. ft.) and the lot to be retained will cover an area of 211.31 sq. m (2,274.6 sq. ft.). The owner has also applied for a Partial Discharge of Mortgage.

Minor variances from the City of Woodstock Zoning By-law No. 8626-10 have been requested from the lot area and lot frontage provisions for both the severed and retained lots.

G. Hough briefly reviewed the staff Planning Report. He indicated that the owner is now proposing to subdivide a previously severed lot that was created in 2010 for a semi-detached dwelling house. Each lot will consist of one-half of the semi. The property is appropriately zoned, is consistent with 2005 Provincial Policy Statement and complies with the Oxford County Official Plan. Minor variances have been requested as part of the severance application.

G. Brumby questioned T. Da Costa if he always had the intention to construction a semi-detached dwelling. T. Da Costa answered in the affirmative. G. Brumby suggested that in the future it would be beneficial to the Committee if it is informed that further severances are proposed.

Moved by: J. Palmer
Seconded by: W. Buchanan

'Granted'

#B-11-12-8

CONDITIONS:

1. The owner shall enter into a Severance Agreement with the City of Woodstock as set forth in the City of Woodstock Zoning By-law No. 5266-76, and amendments thereto.
2. The owner confirms that no underground or overhead services serving the retained lands traverse the severed parcel and vice versa. Where such services exist, the applicant shall relocate the services or obtain private easements over the severed and/or retained lands, to the satisfaction of the City of Woodstock.
3. The owner shall agree, in writing, to satisfy all requirements, financial and otherwise, of the City of Woodstock regarding the installation of services and drainage facilities.
4. The owner shall provide a recent survey to the City of Woodstock which outlines lot dimensions, lot and building areas and building setbacks which will confirm the relief granted by the Land Division Committee regarding Minor Variance Application A11-02-8 as set out in Report No. 2011-92, to the satisfaction of the Secretary-Treasurer of the Land Division Committee.
5. The Clerk of the City of Woodstock advise the Secretary-Treasurer of the Land Division Committee that all requirements of the City of Woodstock have been complied with.

6. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year of the mailing of this Notice of Decision. If all conditions are not met within one year, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within one year, the consent herein shall lapse.

REASONS:

1. The application for consent is consistent with the 2005 Provincial Policy Statement.
2. The application for consent complies with the policies of the County of Oxford Official Plan.
3. The subject property is appropriately zoned.

#A-11-02-8

CONDITIONS:

1. The owner revise the minor variance portion of the application for consent, in writing, to recognize the lot frontages and lot areas as confirmed by Paul Benedict, OLS, to the satisfaction of the Secretary-Treasurer of the Land Division Committee.
2. The owner revise the minor variance portion of the application for consent, in writing, to withdraw the request for relief from the Front Yard Depth provisions of the R2 Zone as it has been confirmed by the City's Building Division that this relief is not required to facilitate this proposal.

REASONS:

1. The variances requested are minor variances from the provisions of the City of Woodstock Zoning By-law No. 8626-10.
2. The variances requested are desirable for the appropriate development or use of the land, building or structure.
3. The variances requested are in keeping with the general intent and purpose of the County of Oxford Official Plan.
4. The variances requested are in keeping with the general intent and purpose of the City of Woodstock Zoning By-law No. 8626-10.

CARRIED.

#B11-07-4 – Estate of Irvin C. Prouse (Part Lots 10, Conc. 4; Part Lots 2, 3 & 4, Plan 203, Township of South-West Oxford, formerly Township of Dereham)

Mrs. Marjorie Moulton, Trustee for the Estate of Irvin Prouse, was in attendance to present the application to the Committee. Also in attendance was Rev. Lynne Allin, 11101 Imperial Road, R. R. #4, Aylmer ON N5H 2R3. Mrs. Moulton explained the purpose of the severance is to acquire additional lands in order to construct a new church.

The purpose of the Application for Consent is for a lot addition to the existing church property. The lot to be severed will cover an area of 587.3 sq. m (6,321.6 sq. ft) and is currently used as a parking lot. It is proposed that the severed lot will be added to the institutional lot,

consisting of a church (recently removed) to the immediate south and west. A new church is to be constructed on the new enlarged lot. The lot to be retained will cover an area of 0.53 ha (1.31 acres) and contains an existing industrial building.

G. Hough reviewed the staff Planning Report. He noted that the property is located in Mount Elgin. The existing church has been removed and a new church is to be constructed. The application is consistent with 2005 Provincial Policy Statement and complies with the Oxford County Official Plan. The owner has also requested a zone change.

Rev. L. Allin pointed out that the property will be hooking into municipal sewers. G. Hough indicated that it is expected that the sewers will be installed this year.

M. Moulton requested a refund of the application fees as she stated the construction of a new church will be an asset to the community. It was suggested to her that she send a letter to Oxford County Council.

G. Brumby questioned the existing strip of land between the lot to be severed and the lot to be enlarged. G. Hough pointed out that the severed and enlarged lots are connected and that there are no separate lots.

J. de Bruyn questioned how the property has been used as a parking lot. In response, M. Moulton stated it has been in existence since 1960, and gave a brief history of the property.

Moved by: W. Buchanan
Seconded by: H. Elliott

'Granted'

CONDITIONS:

1. The lot to be severed be appropriately re-zoned.
2. The parcel intended to be severed be conveyed to the abutting landowner to the immediate south and be consolidated with said owner's existing property. Any additional transactions with regard to the parcel severed will have to comply with Subsections 3 and 5, of Section 50 of the Planning Act, R.S.O., 1990, as amended, and be reflected on the certificate.
3. If required, the owner enter into a standard severance agreement with the Township of South-West Oxford.
4. If required, drainage assessment reapportionment be undertaken pursuant to Section 65 of the Drainage Act, R.S.O. 1990, at the owner's expense, to the satisfaction of the Township of South-West Oxford.
5. The Clerk of the Township of South-West Oxford advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Township, financial, services and otherwise, have been complied with.
6. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year of the mailing of this Notice of Decision. If all conditions are not met within one year, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within one year, the consent herein shall lapse.

REASONS:

1. The application for consent is consistent with the 2005 Provincial Policy Statement.

2. The application for consent complies with the policies of the County of Oxford Official Plan.

CARRIED.

On the motion of H. Elliott, the Committee meeting adjourned at 11:20 a.m.

"John de Bruyn"

CHAIRPERSON