

MINUTES

OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, September 1, 2011

The Oxford County Land Division Committee met in the Council Chambers, County Administration Building, Woodstock, Ontario, on Thursday, September 1, 2011, at 9:00 a.m. with the following individuals:

Chairperson	-	J. deBruyn
	-	G. Brumby
	-	M. Hacon
	-	J. Palmer
Corporate Manager	-	G. Hough
Secretary-Treasurer	-	L. Taschner

The meeting was called to order at 9:00 a.m.

DECLARATION OF CONFLICT OF INTEREST:

None.

APPROVAL OF MINUTES:

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

"The Minutes of the Meeting of August 4, 2011, be approved as printed and circulated."

CARRIED.

BUSINESS ARISING FROM MINUTES:

None.

GENERAL BUSINESS:

G. Hough indicated that an appeal was received from Mr. Ray Gauthier for Application #B11-25-2 (Jeff & Jennifer Rodger).

CORRESPONDENCE:

A letter of objection was received from Roy & Lucy Dickson regarding Application #B11-31-5; #A11-09-5 (Jack McIntosh).

APPLICATIONS FOR CONSENT:

#B11-26-8 – Tiffany Development Corp. (Block 137, Plan 41M-234, City of Woodstock)

Walter Broos, together with Mark Lowen, of Lenity Group, the owner's agent, was in attendance to present the application. M. Lowen stated that he was in attendance representing the developer of the retirement home. He indicated that he concurred with the findings and suggested conditions of the staff Planning Report.

The applicant proposes to sever a parcel comprising approximately 1.15 ha (2.84 acres) for institutional purposes and retain approximately 0.8 ha (1.97 acres) for residential use. Specifically, applications for Official Plan and Zoning By-law amendments (OP 11-02-8 and ZN 8-11-06) have been filed for the proposed severed parcel to facilitate the development of a 127 unit retirement home. The applicant proposes to construct a 12-storey apartment building on the retained lands. The subject lands are currently vacant.

G. Hough reviewed the staff Planning Report. He indicated that the lot to be severed will be developed for a retirement residence, while the lot to be retained proposes the development of a 12-storey apartment building. The proposals are consistent with the 2005 Provincial Policy Statement (PPS), comply with the Official Plan policies, and conform to the requirements of the Zoning By-law.

In answer to G. Brumby's inquiry, W. Broos pointed out that Tiffany Corporation will retain ownership of the retained lot, while Hawthorn Developments will be acquiring the severed lot.

J. de Bruyn questioned the zoning on the property. In response, G. Hough explained that the lot to be retained will be re-zoned to a modified R4 Zone to facilitate the development of the apartment building. The lot to be severed will be re-zoned Institutional to accommodate the development of the retirement home.

M. Hacon questioned the number of apartment buildings proposed on the retained lot. In response, G. Hough indicated one apartment building will be constructed.

Moved by: J. Palmer
Seconded by: M. Hacon

"Granted"

CONDITIONS:

1. The lots to be severed and retained be appropriately re-zoned.
2. If required, 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.
3. 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 retained lands to the satisfaction of the City of Woodstock.
4. 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.
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.

CARRIED.

#B11-29-2 – Larry G. Odell (Part Lot 15, Concession 13, Township of East Zorra-Tavistock, formerly Township of East Zorra)

Wayne & Jane Uncer, the purchasers of the lot to be severed, were in attendance to speak to the application. W. Uncer pointed out that he and his wife propose to construct a new house on his existing lot. He pointed out that he requires land for the tile bed for the new septic system. His

existing well will be abandoned and he will decommission it. A new well is to be drilled and will be located south of the house. The severed lot covers an area of approximately 1 acre. He stated that he and his wife concur with the findings and suggested conditions as outlined in the staff Planning Report.

The purpose of the Application for Consent is for a residential lot addition. The lot to be severed will cover an area of 2,656.94 sq. m (28,600 sq. ft.), contains no buildings or structures and will be added to the residential lot to the immediate south which contains an existing single detached dwelling (to be removed) a garage/shop and a metal garden shed (to be removed). A new single detached dwelling will be constructed on the newly enlarged lot. The lot to be retained will cover an area of 29.42 ha (72.3 ac), contains farm buildings, and an accessory single detached dwelling and will remain in agricultural production. The owners have also applied for a Partial Discharge of Mortgage.

G. Hough briefly reviewed the staff Planning Report and noted that the application is consistent with the 2005 Provincial Policy Statement (PPS) and complies with the Official Plan policies. The severed, retained and enlarged lots will be re-zoned. Planning staff is in support of the application.

G. Brumby questioned whether a new driveway is proposed. In response, G. Hough pointed out that no new access is proposed.

J. de Bruyn questioned what the retained lot will be re-zoned to. In response, G. Hough stated that the retained lot will be re-zoned a special A2 zone to recognize the lot area of the retained lot.

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

"Granted"

CONDITIONS:

1. The lots to be severed, retained and enlarged 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 severed parcel must 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, 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.
4. If required, the applicant shall convey to the Township of East Zorra-Tavistock sufficient lands for the creation of a sight or 'daylight' triangle, free of all costs and encumbrances, at the immediate southeast corner of 13th Line and Braemar Sideroad to the satisfaction of the Township of East Zorra-Tavistock Public Works Manager.
5. If required, the applicant enter into a standard Severance Agreement with the Township of East Zorra-Tavistock to the satisfaction of the Township.
6. 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.
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.

CARRIED.

#B-11-30-2 – Kevin & Cathy Kitching (Part Lot 13, Concession 11, Township of East Zorra-Tavistock,
formerly Township of East Zorra)

Liam McCreery, the owners' agent, was in attendance to present the application. Also in attendance were:

Jasper Vanderbas,
R. R. #3,
Woodstock ON N4S 7V7

Mr. Michel DeLodder
R. R. #6
Woodstock ON N4S 7W1

L. McCreery explained the application. He indicated that currently he has a 20 foot access to his farm property and wishes to purchase an additional 20 feet from the Kitchings to be added to his property. Once the lands are consolidated with his property, he proposes to sever his property and sell the severed lot to Mr. Zilke. The lands will remain in agricultural production.

The purpose of the Application for Consent is for an agricultural lot addition. The lot to be severed will cover an area of 380.9 sq. m (4,100 sq. ft.), contains no buildings or structures and will be added to the agricultural lot to the immediate west which contains an existing single detached dwelling and driveway, and is in agricultural production. The lot to be retained will cover an area of 2,932.7 sq. m (31,568 sq. ft.), contains an existing single detached dwelling and attached garage and will continue to be used for rural residential purposes. The owners have also applied for a Partial Discharge of Mortgage.

G. Hough reviewed the staff Planning Report. He indicated that a 20-foot frontage is not sufficient to permit large farm machinery. It is for this reason that Mr. McCreery is purchasing 20 feet from the Kitchings. The lands will be added to his existing farm parcel, resulting in a 40 foot lot frontage. This will result in adequate access now, even if it is below the 100 m (328 ft) requirement. He stated that the application is consistent with the 2005 Provincial Policy Statement (PPS) and complies with the Official Plan policies.

J. Vanderbas indicated that he has lived beside Mr. McCreery for the past 30 years. He stated that he was in attendance to speak against the application. He indicated that he felt that a 12 m (40 ft) frontage is not considered a minor variance from the 100 m (328 ft) requirement of the Zoning By-law. He noted that there are no precedents or records that this has been permitted in the past. He understands that the severance is not for residential purposes, and would not like to see more housing developed. He indicated that municipal storm sewers are now available to all the properties in the vicinity. He explained the reason for the deficient frontage of 20 feet is due to the fact that at one time all the lots fronting on Highway 59 were part of the existing property, and have since been severed from the farm. He questioned how the Committee can grant such a large variance as he does not consider it minor.

M. DeLodder stated that he was in favour of the severance. The property will be kept in agricultural production. The purchaser has rented the lands for many years.

L. McCreery noted that he and J. Vanderbas have been neighbours for many years. His property exists with a 20 foot access. He is unable to acquire any further lands. He pointed out that in conversations with Planning staff at the time he was submitting his application, it was noted that he would need to acquire an additional 8 feet. He was able to get 20 feet. He noted that the only severance from his property was a gift of a small parcel to the Christ Church. He thanked M. DeLodder for his support.

G. Brumby pointed out that the existing hydro pole and trees will need to be moved and removed. In response, L. McCreery agreed that he will have to remove the trees and the hydro pole will need to be moved in the future. He is leaving that up to the new owner. He pointed out that the pole is out of date and will have to be replaced.

J. de Bruyn questioned whether the fact that the access is only 40 feet and the location of the hydro pole were concerns of the Fire Department. In response, G. Hough pointed out that the application was circulated to the Fire Chief, and he did not have any concerns.

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

"Granted"

CONDITIONS:

1. The lots to be severed and retained be appropriately re-zoned.
2. The parcel intended to be severed be conveyed to the abutting landowner to the immediate south and west and be consolidated with said owner's existing property. Any additional transactions with regard to the severed parcel must 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, drainage assessment re-apportionment be undertaken, pursuant to Section 65 of The Drainage Act, R.S.O. 1990, at the applicants' expense, to the satisfaction of the Township of East Zorra-Tavistock.
4. 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.
5. 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-11-08-2 – Liam McCreery (Part Lots 13 & 14, Conc. 11; Lot 5, Plan 1623, Township of East Zorra-Tavistock, formerly Township of East Zorra)

L. McCreery was in attendance to present his application. Also in attendance were:

Jasper Vanderbas,
R. R. #3,
Woodstock ON N4S 7V7

Mr. Michel DeLodder
R. R. #6
Woodstock ON N4S 7W1

L. McCreery briefly explained his application.

The purpose of the Application for Consent is to create a vacant agricultural lot. The lot to be severed will cover an area of 37.23 ha (92 ac), contains no buildings or structures and is in agricultural production. The lot to be retained will cover an area of 60.3 ha (149 ac), contains an existing single detached dwelling and shed and is agricultural production. An Application for Consent has been received in association with this proposal. Application #B11-30-2 (Kevin & Cathy Kitching) proposes to add 380.9 sq. m (4,100 sq. ft.) to the subject property. This will result in a total lot frontage of 12.2 m (40 ft) for the lot to be severed.

Permission is sought from Section 7.2, Lot Frontage, to permit a lot frontage for the lot to be severed of 12.2 m (40 ft) in place of the 100 m (328 ft) required by the Township of East Zorra-Tavistock Zoning By-law No. 2003-18.

G. Hough addressed the staff Planning Report. He indicated that the application is consistent with the 2005 Provincial Policy Statement (PPS) and it complies with the Official Plan policies. He pointed out that a minor variance was submitted with the severance application to recognize the deficient lot frontage of the severed lot. He suggested that a re-zoning will address this deficiency and, therefore, the minor variance is not necessary and should be denied by the Committee.

J. Vanderbas reviewed the policies of the Official Plan for farm parcels, and indicated that he objected to the severance and minor variance.

M. DeLodder stated that he was in favour of the severance, and was glad to see that agriculture will continue on the property.

J. de Bruyn questioned the re-zoning of the property. In response, G. Hough pointed out that lot will be re-zoned A2 with special provisions. J. de Bruyn stated that he objects to the minor variance of the proposal.

Moved by: G. Brumby
Seconded by: M. Hacon

"Granted"

#B11-08-2

CONDITIONS:

1. The lot to be severed be appropriately re-zoned.
2. The certificate for Application #B11-30-2 be issued, the transfer be registered and a copy of the receipted transfer be submitted to the Secretary-Treasurer of the County of Oxford Land Division Committee, prior to the issuance of the certificate for Application #B11-08-2.
3. 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.
4. 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 and otherwise, have been complied with.
5. 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.

#A11-01-2

Moved by: G. Brumby
Seconded by: M. Hacon

"Not Granted"

REASON:

1. The requested minor variance for relief from the lot frontage provisions of the Township of East Zorra-Tavistock Zoning By-law No. 2003-18 for the lot to be severed will be addressed through a zone change and, therefore, the minor variance is no longer necessary.

CARRIED.

#B-11-31-5; #A11-09-5 – Jack McIntosh (Part Lot 12, Concession 5; Lots 6, 7 & 8, Plan 164, Township of Zorra, formerly Township of West Zorra [Embros])

Jack McIntosh was in attendance. Also in attendance was Lucy Dickson, 110 Halladay Street, Embro ON N0J 1J0. J. McIntosh explained his proposal to the Committee.

The purpose of the Application for Consent is to create a residential building lot. The lot to be severed will cover an area of 1,437 sq. m (15,473 sq. ft.) and contains no buildings or structures. A single detached dwelling is proposed to be constructed. The lot to be retained will cover an area of 1,996 sq. m (21,487 sq. ft.), and contains an existing single detached dwelling.

Permission is sought from Section 11.2, Lot Area, to permit a lot area of 1,437 sq. m (15,473 sq. ft.) for the lot to be severed and 1,996 sq. m (21,487 sq. ft.) for the lot to be retained in place of the 2,800 sq. m (30,140 sq. ft.) required; permission is sought from Section 11.2, Lot Depth to permit a lot depth of 57 m (187 ft) for the lot to be retained in place of the 80 m (262.5 ft) required; permission for relief is sought from Section 11.2, Lot Frontage, to permit a lot frontage of 8.0 m (26.2 ft) in place of the 35 m (114.8 ft) for the lot to be severed as required by the Township of Zorra Zoning By-law No. 35-99.

G. Hough addressed the staff Planning Report. He pointed out that the property is located within a serviced village and is designated Low Density Residential in the Oxford County Official Plan. This designation permits infill housing. There are larger lots within this area which were developed to accommodate private services. The proposal is consistent with the characteristics of the existing development in the immediate area. Existing homes on Halladay Street are situated at the front lot line and the proposed lot is in excess of 16,000 sq. ft. The proposal is consistent with the 2005 Provincial Policy Statement (PPS) and it complies with the Official Plan policies.

L. Dickson stated that she forwarded a letter of objection. She owns the property south of J. McIntosh. Her house faces north and if the severance is permitted, she will lose her view from her property. She understood that when the sewers were hooked up to the properties, J. McIntosh chose not to hook his property up at that time. Also there is no lighting on Halladay Street. In response, G. Hough pointed out that the costs associated with tearing up the road and installing the laterals will be borne by the owner. Payment will need to be made to both the County and the Township. There is no obligation to put in additional lighting. The Township may at some later date install lighting.

J. McIntosh requested the Committee to approve the application.

G. Brumby noted that the force main is located further down the road from the property on Halladay Street, and noted that there were no laterals to the properties. It was confirmed that this was the case.

J. Palmer stated that he wants to be assured that the lots are developed on public services as the lots to be severed and retained are smaller than what is required by the Zoning By-law for lots on private services.

Moved by: G. Brumby
Seconded by: M. Hacon

"Granted"

#B11-31-5

CONDITIONS:

1. 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 Zorra.
2. The owner shall enter into a standard Severance Agreement with the Township of Zorra, to the satisfaction of the Township. The Severance Agreement shall include but not be limited to the following requirements:
 - (a) The owner shall agree to satisfy all requirements, financial and otherwise, of the Township of Zorra;
 - (b) The owner shall provide a detailed lot grading plan for the lot to be severed;
 - (c) The owner shall meet the requirements of the Township regarding driveway access; and
 - (d) The owner shall provide a payment of \$750.00 cash-in-lieu for parkland purposes to the Township of Zorra.
3. The County of Oxford Department of Public Works advise the Secretary-Treasurer of the County of Oxford Land Division Committee that all financial requirements of the County of Oxford with respect to provision of water and sewer services to the lot to be severed and lot to be retained have been complied with. This condition can be cleared by payment for the required services or providing securities for such services prior to the completion of the severance, to the satisfaction of the County of Oxford Department of Public Works.
4. The Clerk of the Township of Zorra advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Township, financial, services and otherwise, have been complied with.
5. 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.

#A11-09-5

REASONS:

1. The variances requested are minor variances from the provisions of the Township of Zorra Zoning By-law No. 35-99.
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 Township of Zorra Zoning By-law No. 35-99.

CARRIED.

#B11-36-4; #A11-10-4 and #B11-37-4; #A11-11-4 – Venesa Cocchetto (Part Lots 27 & 27B, Broken Front Concession, Township of South-West Oxford, formerly Township of West Oxford)

Carlo & Venesa Cocchetto were in attendance to present the application. Also in attendance were the following individuals:

Paul Defent
584140 Beachville Road
R. R. #2
Ingersoll ON N55 3J5

Kurt Wallace
584145 Beachville Road
R.R. #2
Ingersoll ON N5C 3J5

Carlo Cocchetto briefly explained the application to the Committee. He addressed the issues and pointed out that the potability test for water has been completed.

The purpose of the Application for Consent is to create two residential building lots. The lot to be severed by #B11-36-4 will cover an area of 3,218 sq. m (34, 649 sq. ft.) and contains an existing 3-car garage. The lot to be severed by #B11-37-4 will cover an area of 4,041.4 sq. m (43,502.3 sq. ft.) and is currently vacant. A single detached dwelling is proposed to be constructed on each of the two severed lots. The lot to be retained will cover an area of 2,560 sq. m (27,556.5 sq. ft.) and contains an existing single detached dwelling. The owners have also applied for a Partial Discharge of Mortgage.

Permission is sought from Section 10.2 of the Township of South-West Oxford Zoning By-law No. 25-98:

Section	Requested	Required
Section 10.2, Lot Area – Retained Lot	2,560 sq. m (27,556.5 sq. ft)	2,800 sq. m (30,140 sq. ft)
Section 10.2, Lot Frontage – Severed Lot - #B11-37-4	9. m (29.5 ft)	35 m (114.8 ft)
Section 10.2, Lot Frontage – Retained Lot	32 m (105 ft)	35 m (114.8 ft)
Section 6.1, Accessory Uses – Severed Lot – #B11-36-4	Existing 3-car garage	no buildings permitted

G. Hough briefly reviewed the staff Planning Report. He explained that the subject property is designated Rural Cluster in the Official Plan and zoned Rural Residential in the Township of South-West Oxford Zoning By-law. He stated that the application is consistent with the 2005

Provincial Policy Statement and complies with the Official Plan policies. The settlement boundary of Centreville has been established and, therefore, Minimum Distance Separation setbacks from existing barns in the area do not apply. However, once construction takes place, the owners will be required to obtain relief from the Minimum Distance Separation requirements of the Township of South-West Oxford Zoning By-law from the Township's Committee of Adjustment. He indicated that the lot area of the severed parcels is sufficient for the installation of septic systems. Confirmation is required from the Board of Health that the retained lot is of a sufficient size to accommodate a replacement system.

C. Cocchetto concurred with the findings and suggested conditions of the staff Planning Report.

K. Wallace stated that he had two concerns. He noted that he owns the property across the road from the subject property and fears there will be a substantial increase in stormwater run-off and water levels affecting his well. Wells have gone dry in the past.

P. Defent submitted a letter of objection signed by area residents. He stated that the area neighbourhood is concerned for their health and safety, and that their property values will be lowered. He indicated he wants to continue living in a rural area, and felt that the proposal is not in character with the existing properties. His major concern is that additional septic systems will need to be installed and they could affect his well.

C. Cocchetto pointed out regarding drainage, the proposed house will be subject to Building Code requirements. He noted that there is 12 foot deep drain along Church Line. He indicated that he did approach the Township about opening Church Line; however, they are not in a position at this time to support this. He stated the well on this property is 151 feet and that he proposes two more wells.

V. Cocchetto explained that she and her husband have worked with the Planning Department to meet all the necessary requirements.

P. Defent suggested that digging the additional two wells could have an adverse affect on the existing wells in the vicinity. He stated that in his opinion the variances requested were not minor. He indicated that the petitioners on the letter of concern own properties across the road and they have had their wells run low.

K. Wallace indicated that water issues present themselves at driveways. He stated that water constantly runs down the road, and that he has had water in his basement. On the other hand, it cannot be determined that that the wells will not run dry.

J. Palmer questioned why the retained lot was not 30,000 sq. ft. to meet the By-law requirement? In response, C. Cocchetto indicated that he originally planned for the lot to be 30,000 sq. ft.; however, it was felt best to keep the lot line square.

In response to M. Hacon's question regarding the minor variance, it was pointed out that the questioned variance is for the lot frontage of the retained lot.

P. Defent questioned the mapping in the staff report and suggested that the maps were outdated. In response, C. Cocchetto indicated that Plate 3 is updated to 2010.

J. de Bruyn indicated that the property is designated Rural Cluster in the Oxford County Official Plan. He questioned whether it was permissible to further reduce Minimum Distance Separation (MDS) in the Zoning By-law. In response, G. Hough pointed out that the existing barn to the east is within the required measurement of the Minimum Distance Separation. However, the subject property is situated within a Settlement area. MDS does not apply to the creation of the proposed lots.

J. de Bruyn stated that he had concerns should the farmer wish to expand his livestock facility.

M. Hacon asked C. Cocchetto when Church Street would be opened. In response, C. Cocchetto indicated that the Township has no funds at this time to open the road. C. Cocchetto further stated that he wanted to hire a private contractor to plough the road; however, the Township would not agree.

#B11-36-4; #A11-10-4

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

"Granted"

#B11-36-4

CONDITIONS:

1. The owner amend the application for consent to include an easement for access purposes. The easement shall be over the lot to be severed by B11-37-4, in favour of the lot to be severed by B11-36-4 and in favour of the lot to be retained, to the satisfaction of the Secretary-Treasurer of the County of Oxford Land Division Committee.
2. The owners confirm with the Oxford County Board of Health & Emergency Services that the lot to be retained is of a sufficient size that it will accommodate a replacement septic system, should the existing one fail.
3. If required, the owner enter into a standard Severance Agreement with the Township of South-West Oxford, to the satisfaction of the Township.
4. The owner satisfy the Oxford County Public Works Department regarding the timing of the removal of the existing driveway access to the lot to be retained.
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.
3. The subject property is appropriately zoned.

#A11-10-4

REASONS:

1. The variances requested are minor variances from the provisions of the Township of South-West Oxford Zoning By-law No. 25-98.
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 Township of South-West Oxford Zoning By-law No. 25-98.

#B-11-37-4; #A11-11-4

Moved by: J. Palmer
Seconded by: M. Hacon

"Granted"

#B11-37-4

CONDITIONS:

1. The owner amend the application for consent to include an easement for access purposes. The easement shall be over the lot to be severed by B11-37-4, in favour of the lot to be severed by B11-36-4 and in favour of the lot to be retained, to the satisfaction of the Secretary-Treasurer of the County of Oxford Land Division Committee.
2. Application #B11-36-4 be completed, certificate issued and the transfer registered prior to the issuance of the certificate for Application #B11-37-4. A copy of the receipted transfer be submitted to the Secretary-Treasurer of the Oxford County Land Division Committee.
3. The owner enter into an Agreement with the County of Oxford Public Works Department. Such Agreement shall address the timing of the removal of the existing driveway access to the lot to be retained.
4. If required, the owner enter into a standard Severance Agreement with the Township of South-West Oxford, to the satisfaction of the Township.
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.
3. The subject property is appropriately zoned.

A11-11-4

REASONS:

1. The variances requested are minor variances from the provisions of the Township of South-West Oxford Zoning By-law No. 25-98.
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 Township of South-West Oxford Zoning By-law No. 25-98.

CARRIED.

On the motion of J. de Bruyn, the Committee meeting adjourned at 11:15 a.m.

"John de Bruyn"

CHAIRPERSON