

MINUTES

OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, March 1, 2012

The Oxford County Land Division Committee met in the Council Chambers, County Administration Building, Woodstock, Ontario, on Thursday, March 1, 2012 at 9:00 a.m. with the following individuals:

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

G. Brumby assumed the Chair in the absence of J. de Bruyn.

APPROVAL OF MINUTES:

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

“The Minutes of the Meeting of February 2, 2012, be approved as printed and circulated.”

CARRIED

BUSINESS ARISING FROM MINUTES:

None.

CORRESPONDENCE:

Correspondence was received from the Council of the Township of Norwich regarding Application B12-01-3 (Bart Veldhuizen).

GENERAL BUSINESS:

Correspondence was received from 1377462 Ontario Limited requesting a change of condition regarding Application B10-50-8 for a decision approved by the Land Division Committee dated April 7, 2011. Condition No. 1 reads as follows:

“The lot to be severed and the lot to be retained be appropriately re-zoned.”

A Record of Site Condition (RSC) would be required together with the zone change for the easterly portion of the subject property (fronting on Norwich Avenue) prior to the completion of the severance. The owner has determined that it will not be possible to obtain the required RSC and zone change prior to the lapsing date of the severance on April 11, 2012. The proposed amended condition will provide the owner with an additional year to undertake the necessary work. Planning staff recommend that the completion of an RSC for this site is a matter of importance to both the City of Woodstock and the County of Oxford (in light of the previous known use of the lands as a salvage yard).

Moved by: W. Buchanan
Seconded by: M. Hacon

“Condition No. 1 of the decision dated April 7, 2011, for Application B10-50-8 (1377462 Ontario Limited) be amended to read as follows:

1. *The lot to be severed and the lot to be retained be appropriately re-zoned, and the owner complete the requirements for a Record of Site Condition (RSC) for the easterly lot, to the satisfaction of the County of Oxford and the City of Woodstock.”*

AND WHEREAS the request of the owner to amend Condition No. 1 of Application B10-50-8 (1377462 Ontario Limited) is considered a major amendment, a Notice of Change of Conditions regarding Condition No. 1 be circulated to the originally circulated agencies, as well as those individuals requesting a copy of the original decision of the Committee.”

CARRIED.

G. Hough indicated that the Ontario Municipal Board decision on Application B11-10-8 (James & Cindy Walker) was received. The Board dismissed the appeal and the application for consent is not approved.

The Committee requested that the Secretary-Treasurer forward all Ontario Municipal Board Appointment for Hearings and Decisions/Board Orders to them.

L. Taschner spoke on the OACA Annual Conference to be held in Burlington June 3 -6, 2012. She asked that the Committee members consider attending this worthwhile conference. She indicated that the early registration date to register for the conference was April 13, 2012.

APPLICATIONS FOR CONSENT:

B-11-62-8 – Jeremy Smith (Park Lot 12, Plan 55, City of Woodstock)

No one was present to speak to the application.

The purpose of the Application for Consent is to create a residential building lot. The lot to be severed will cover an area of 519 sq. m. (5,588 sq. ft.) and is currently vacant. The lot to be retained will cover an area of 496 sq. m (5,340 sq. ft.) and contains an existing single detached dwelling and garage. It is proposed that a single detached dwelling will be constructed on the lot to be severed. The owner has also applied for Partial Discharge of Mortgage.

G. Hough briefly reviewed the staff Planning Report. He indicated that the proposal is consistent with the 2005 Provincial Policy Statement, complies with the County of Oxford Official Plan policies and conforms to the City of Woodstock Zoning By-law provisions. He explained that the City Engineer has requested a condition that the existing driveway on the retained lot will need to be restored. G. Hough stated that the owner is aware of this requirement.

W. Buchanan requested clarification of what is required by the owner. In response, G. Hough explained that the existing driveway serves the property. The City requires that the driveway be removed and the sidewalk be restored to the existing sidewalk. A different driveway is proposed.

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

'Granted'

CONDITIONS:

1. 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.
2. 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. The agreement will be registered on title by the owner.

3. The owners confirm 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 owners shall remove that portion of the westerly driveway on the lot to be retained and the associated area of the driveway shall be restored including that the sidewalk be raised, if necessary, to the satisfaction of the City of Woodstock Engineering Department.
5. The owner shall submit a recent survey to confirm size of the severed lot to the satisfaction of the City of Woodstock Engineering Office.
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.

CARRIED.

B11-62-6 – Cam-Don Properties Ltd. (Part Lot 5, Block 28, Plan 279, Town of Ingersoll)

Peter Poort and Paul Brown, principals of Cam-Don Properties, were in attendance. Ian Blain, their solicitor, was in attendance to present the application. I. Blain briefly explained the application to the Committee. He indicated that the subject property is a through-lot that runs between Bond Street and Whiting Street. He stated that a minor variance was originally requested with the severance and noted that the minor variance is not required. He pointed out that the requirement for setback from an arterial road is 19 m (62.3 feet) and the property in question has 14 m (46.4 feet). He questioned whether a minor variance was required in this instance and that this was not a legal non-conforming use.

The purpose of the Application for Consent is to create a residential building lot. The lot to be severed will cover an area of 480 sq. m (5,252.7 sq. ft.), and contains an existing garage which is to be removed. A single detached dwelling will be constructed on the lot to be severed. The lot to be retained will cover an area of 557.5 sq. m (6,000.9 sq. ft.) and contains an existing single detached dwelling and garage.

G. Hough explained that the only instance where a minor variance from the setback requirements is necessary is when a new lot line creates the setback issue. There is no need for a minor variance as the existing dwelling meets the By-law requirements. The application is consistent with the 2005 Provincial Policy Statement, complies with the Official Plan policies, and conforms to the Town's Zoning By-law provisions. The existing rear portion of the detached garage straddles the lot line. This portion will need to be removed and a 1.2 m rear yard setback will be required. G. Hough indicated that an additional condition will need to be set requiring the owner to enter into a standard Severance Agreement.

At the request of the Committee, the Secretary-Treasurer read the proposed additional condition aloud.

In response to G. Brumby, G. Hough indicated that the rear portion of the existing garage needs to be removed in order to satisfy the Town's By-law requirements.

Moved by: W. Buchanan
Seconded by: M. Hacon

'Granted'

CONDITIONS:

1. If required, the owner enter into a standard Severance Agreement with the Town of Ingersoll, to the satisfaction of the Town.
2. The easterly portion of the detached accessory structure (frame garage) shall be removed from the lot to be severed, to the satisfaction of the Town of Ingersoll, and that the applicant shall confirm with the Town that the remaining garage meets the rear yard setback requirement for structures accessory to a residential use.
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 subject property have been complied with. This condition can be cleared by payment for the required services or entering into a severance agreement with the area municipality which states that no building permit shall be issued until payment is made to the County. In order to clear this condition, a copy of the draft Severance Agreement which addresses the above requirements to the satisfaction of the County of Oxford Public Works Department, must be provided to the Public Works Department.
4. The Clerk of the Town of Ingersoll advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town, 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.

CARRIED.

B12-01-3 – Bart Veldhuizen (Part Lots 6 & 7, Conc. 1, Township of Norwich, formerly North Norwich)

Bart Veldhuizen, together with the applicant Matt Van Manen, were in attendance. M. Van Manen presented the application to the Committee. He explained that a 3/4- acre parcel of land will be added to his 1 acre lot.

The purpose of the Application for Consent is for a rural residential lot addition. The lot to be severed will cover an area of 0.32 ha (0.79 ac), contains no buildings or structures and will be added to the lot to the immediate north, covering an area of 0.42 ha (1.03 ac), and containing an existing single detached dwelling (to be removed). A new single detached dwelling is proposed to be constructed on the new enlarged lot. The lot to be retained will cover an area of 40.16 ha (99.25 ac), contains an existing barn, driveshed and accessory single detached dwelling, and is in agricultural production.

G. Hough briefly reviewed the staff Planning Report. He explained that the existing house on the lot to be enlarged will be torn down and a new home will be constructed on the newly enlarged lot. The severance will provide additional lands for a suitable septic system.

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

'Granted'

CONDITIONS:

1. The parcel intended to be severed be conveyed to the abutting landowner to the immediate north and be consolidated with said owner's existing property. Any additional transactions with regard to the parcel severed must comply with Subsections 50(3) & (5), of the Planning Act, R.S.O., 1990, as amended, and be reflected on the certificate.
2. The lot to be severed be appropriately re-zoned.
3. A road widening to 15 m (50 ft) from the centre line of Oxford Road 14, along the frontage of the lot to be severed, lot to be retained, and lot to be enlarged is dedicated to the County of Oxford, free of all costs and encumbrances, to the satisfaction of the County Director of Public Works.
4. 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 Norwich.
5. The Clerk of the Township of Norwich 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.

B12-05-2 – Estate of Muriel Katherine Rudy (Part Lot 19, Conc. 11, Township of East Zorra-Tavistock, formerly East Zorra)

Steve Rudy and his agent, Dean Jancsar, were in attendance. D. Jancsar pointed out that an identical application was approved by the Committee in 2010; however the application lapsed. He concurred with the findings and suggested conditions of the staff Planning Report.

The purpose of the Application for Consent is for an agricultural commercial lot addition. The lot to be severed will cover an area of 0.45 ha (1.10 ac), contains part of a driveshed and surrounds the lot to be enlarged. The lot to be severed will be added to the agri-business lot to the immediate east, which contains a commercial building, a driveshed, a sauna house and an accessory single detached dwelling and covering an area of 0.77 ha (1.9 ac). The lot to be retained will cover an area of 39.3 ha (97 ac), contains no buildings or structures, and will continue to be used for agricultural purposes.

G. Hough briefly reviewed the staff Planning Report. He stated that an identical application was approved by the Committee in June, 2010. The re-zoning on the property has been completed. He stated that the application is consistent with the 2005 Provincial Policy Statement and complies with the policies of the County of Oxford Official Plan. He indicated the severance is to accommodate access to the property. An existing building straddles the property line between the property consisting of the commercial building, a sauna house, and the existing single detached dwelling and the vacant farm property.

W. Buchanan wondered how a building permit was ever issued on the property.

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

'Granted'

CONDITIONS:

1. The parcel intended to be severed be conveyed to the abutting landowner to the immediate east and be consolidated with said owners existing property. Any additional transactions with regard to the parcel severed must comply with Subsection 50(3) and (5) of the Planning Act, R.S.O., 1990, as amended, and be reflected on the certificate.
2. If required, the owners enter into a standard Severance Agreement with the Township of East Zorra-Tavistock, to the satisfaction of the Township.
3. 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.
4. 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 M. Hacon, the Committee meeting adjourned at 9:55 a.m.

"John de Bruyn"

CHAIRPERSON