

MINUTES

OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, May 3, 2012

The Oxford County Land Division Committee met in the Council Chambers, County Administration Building, Woodstock, Ontario, on Thursday, May 3, 2012 at 9:00 a.m. with the following individuals:

Chairperson	-	J. de Bruyn
	-	G. Brumby
	-	W. Buchanan
	-	H. Elliott
	-	J. Palmer
	-	T. Rock
Corporate Manager	-	G. Hough
Secretary-Treasurer	-	L. Taschner

CONFLICT OF INTEREST:

None.

APPROVAL OF MINUTES:

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

"The Minutes of the Meeting of April 5, 2012, be approved as printed and circulated."

CARRIED

BUSINESS ARISING FROM MINUTES:

None.

CORRESPONDENCE:

Correspondence was received from Union Gas Limited regarding Application B12-09-8 (George & Bertha Sovran).

Correspondence was received from Union Gas Limited regarding Application B12-11-8 (Estate of John Jahodskyj).

GENERAL BUSINESS:

Subsequent to the approval of Application B12-10-4 (Simon Wagler), it was determined by staff that a condition of severance that is commonly required by the County Public Works Department regarding municipal water and wastewater service connections was not included in the Committee's decision. The said condition reads as follows:

"The lot to be severed and the lot to be retained must have separate connections to the municipal water and wastewater system to the satisfaction of the County of Oxford Public Works Department. All financial requirements of the County with respect to the provision of water and wastewater services must be complied with. This condition can be cleared by payment for the required services or by entering into a Severance Agreement with the Area Municipality. A copy of the DRAFT Severance Agreement, which addresses the above-noted requirements, must be provided to the satisfaction of the County of Oxford Public Works Department prior to the clearing of the condition."

The Committee discussed the addition of the above condition and agreed that the condition was considered a minor amendment to the Committee's original decision of April 5, 2012, and that no further notice to either the circulated agencies or the public is required.

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

"THAT, pursuant to Section 53(23) of the Planning Act R.S.O. 1990, as amended, with respect to the decision of the County of Oxford Land Division Committee regarding File No. B12-10-4 (Simon Wagler) dated April 12, 2012 it is hereby resolved that the following condition be included:

"The lot to be severed and the lot to be retained must have separate connections to the municipal water and wastewater system to the satisfaction of the County of Oxford Public Works Department. All financial requirements of the County with respect to the provision of water and wastewater services must be complied with. This condition can be cleared by payment for the required services or by entering into a Severance Agreement with the Area Municipality. A copy of the DRAFT Severance Agreement, which addresses the above-noted requirements, must be provided to the satisfaction of the County of Oxford Public Works Department prior to the clearing of the condition."

AND THAT, pursuant to Section 53(26) of the Planning Act R.S.O. 1990, as amended, the modification noted above is considered a minor change to the conditions of consent regarding File No. B12-10-4 (Simon Wagler) and, therefore, no further circulation or public notice of this application is required."

CARRIED.

APPLICATIONS FOR CONSENT:

B-12-09-8 – George & Bertha Sovran (Lots 11 & 12 & Part Lots 9 & 10, Block M, Plan 50, City of Woodstock)

George & Bertha Sovran were in attendance to present their application. They indicated that they wish to build a one-storey single detached dwelling on the lot to be severed for themselves and plan to sell the existing house situated on the lot to be retained.

The purpose of the Application for Consent is to create a residential building lot. The lot to be severed will cover an area of 697 sq. m. (7,502.7 sq. ft.), and is currently vacant. It is proposed that a single detached dwelling will be constructed on the lot to be severed. The lot to be retained will cover an area of 962.3 sq. m. (10,358.4 sq. ft.), and contains an existing single detached dwelling and garage.

G. Hough briefly reviewed the staff Planning Report. He stated that the application is consistent with the 2005 Provincial Policy Statement, complies with the County of Oxford Official Plan, and conforms to the R2 Zone provisions of the Woodstock Zoning By-law. He pointed out that the attached sunroom situated at the east side of the existing dwelling will be removed.

G. Sovran stated that he concurred with the suggested conditions and the recommendation of the staff Planning Report.

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

'Granted'

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 owners confirm that no underground or overhead services serving the retained lot traverse the severed lot and visa versa. Where such services exist, the owners shall relocate the services or obtain private easements over the severed and/or retained lots, to the satisfaction of the City of Woodstock.
4. The owners shall remove the sunroom from the existing dwelling on the lot to be retained, to the satisfaction of the City of Woodstock.
5. The owners shall provide a recent survey confirming lot sizes and building setbacks, to 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.

CARRIED.

B12-11-8 – Estate of John Jahodskyj (Lot 11, Block L, Plan 255, City of Woodstock)

Mike Czorny and Nadia Czorny, the applicants, were in attendance to present the application. N. Czorny pointed out that there will be no structural changes made to the existing semi-detached dwelling. They wish to simply sever the lot so that each semi-detached dwelling can be sold separately.

The purpose of the Application for Consent is to separate an existing semi-detached dwelling. Both the lot to be severed and the lot to be retained will each cover an area of 425.68 sq. m. (4,582.1 sq. ft.), and will contain one-half of the existing dwelling unit.

G. Hough briefly reviewed the staff Planning Report. He indicated that the applicants wish to split the existing semi-detached dwelling into two conveyable parcels. The application is consistent with the 2005 Provincial Policy Statement, complies with the County of Oxford Official Plan, and conforms to the City of Woodstock Zoning By-law. He stated that a small shed situated on the lot will either be removed or re-located.

L. Taschner briefly explained the severance process to the applicants.

G. Brumby asked whether there was a proper fire wall between the two units, as there was nothing noted in the staff Report. In response, M. Czorny stated that there is a sufficient fire wall and indicated that the Fire Department conducted an inspection in March of this year.

J. de Bruyn questioned whether the separated lots will conform to the Zoning By-law? In response, G. Hough pointed out that the property is considered legal non-conforming as far as the outer lot lines are concerned. Planning staff was more concerned with the interior lot lines and it was determined that they met the Zoning By-law provisions.

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

'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 owners confirm that no underground or overhead services serving the retained lot traverse the severed lot and visa versa. Where such services exist, the owners shall relocate the services or obtain private easements over the severed and/or retained lots, to the satisfaction of the City of Woodstock.
3. The existing shed located to the rear of the subject lands be removed or otherwise located on either the severed or retained lots in accordance with the provisions of the City's Zoning By-law to the satisfaction of the City of Woodstock.
4. The owners shall provide a recent survey confirming lot sizes and building setbacks, to the City of Woodstock Engineering Department.
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.

CARRIED.

B12-02-1 – Albert & Laurie Dwyer (Part Lot 5, Con. 7, Township of Blandford-Blenheim, formerly Blandford)

Albert Dwyer was in attendance to present the application. Also in attendance were the prospective purchasers, Stuart & Gwynneth Canfield, 745858 Township Road 4, R. R. #5, Woodstock ON N4S 7V9. A. Dwyer stated that he wishes to retire from farming and would like to sell the farmland to the Canfields and to keep the existing single detached dwelling and garage.

The purpose of the Application for Consent is for an agricultural lot addition. The lot to be severed will cover an area of 19.3 ha (47.6 ac), consists of no buildings or structures and is in agricultural production. The lot to be severed will be added to the agricultural lot to the immediate south, which covers an area of 39.3 ha (97 ac) and contains an existing single detached dwelling and workshop.

The lot to be retained will cover an area of 1.46 ha (3.6 ac), contains an existing single detached dwelling and workshop and will be used for non-farm rural residential purposes. The owners have also applied for a Partial Discharge of Mortgage.

G. Hough briefly reviewed the staff Planning Report. He stated that the application is consistent with the 2005 Provincial Policy Statement, and generally complies with the County of Oxford Official Plan. He indicated that the retained lot proposed is larger than what is permitted by the Plan and that there are policies in the Official Plan that specifically speak to the permitted size of the lot area of the remnant parcel. Plus 10 points are assigned if the lot area proposed is 2-1/2 acres or larger. He briefly explained the Point System and pointed out that if the points accumulated are +12 or greater, the severance should not be supported. He stated that in discussions between Mr. Dwyer and the County planner, a reduced lot area to 2.3 acres is now proposed and this is satisfactory to Planning staff. The lot frontage will be addressed in the required Zoning By-law amendment.

A. Dwyer stated that the untilled field to the east is not a viable size for today's large machinery to farm, and that it is why he included those lands as part of the retained lot. He indicated that he does understand the Official Plan and Zoning By-law policies.

W. Buchanan questioned the prospective purchasers, Mr. & Mrs. Canfield, if they will be able to crop the untilled area. In response, Mrs. Canfield stated that they will have a hard time accessing those lands due to the existing pond on the property, and will have to cross the Dwyer's property. Further, Mr. Canfield stated that the cultivator is approximately 30 to 40 feet wide and it will not be practical to reach those lands. He noted that no one will be able to build on that parcel of land.

J. Palmer questioned whether those lands could be dedicated for a woodlot? In response, G. Hough stated that he was not familiar with the Conservation policies and requirements.

W. Buchanan stated that the intent of the policy documents is to preserve agricultural land; however, he felt this parcel would be lost to agriculture anyway.

J. de Bruyn questioned the need for a re-zoning and G. Hough concurred that a re-zoning will be necessary. J. de Bruyn questioned whether the hydro pole and lines were entirely on the lot to be retained. In response, A. Dwyer stated they were.

J. Palmer questioned whether there would be a way to reduce the taxes on that tillable land by way of conservation. In response, A. Dwyer stated that the area around the pond is recognized by the Ministry of Natural Resources. He indicated that the area is overgrown with weeds and nothing agricultural can be planted in the area.

J. de Bruyn wondered if there was a wetland on the property. It was pointed out that the Upper Thames River Conservation Authority had no comments to make and that no impact study is required as no new development is proposed.

W. Buchanan further suggested that a landlocked parcel is being created. In response, G. Hough stated that physically, the lands northeast of the house will be isolated from the larger parcel; however, it will legally still be part of the newly enlarged property. It was pointed out that there will be no access from Township Road 2.

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

'Granted, as amended'

CONDITIONS:

1. The lot to be retained cover an area of not more than 0.94 ha (2.3 acres), as illustrated on the attached owners' amended sketch plan date stamped May 2, 2012.
2. The lot to be retained be appropriately re-zoned.

3. The parcel intended to be severed be conveyed to the abutting landowner to the immediate south and be consolidated with said owners existing property. Any additional transactions with regard to the severed parcel must comply with Section 50(3) and 50(5) of the Planning Act, R.S.O., 1990, as amended, and be reflected on the certificate.
4. The Clerk of the Township of Blandford-Blenheim 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.

B12-12-6- David Ball & Kim Rhodes (Part Lot 1, Plan 173, Town of Ingersoll – 30 Park Avenue)

Kim Rhodes, the owner, and Vicki Parkhill, the applicant, were in attendance. V. Parkhill presented the application. She explained that she would like to purchase a 15 foot wide strip of land from her neighbours and add it to her lot.

The purpose of the Application for Consent is for a residential lot addition. The lot to be severed will cover an area of 501.7 sq. m. (5,400 sq. ft.), and contains an existing metal tool shed (to be removed). The lot to be severed will be added to the residential lot to the immediate east which covers an area of 2,073.5 sq. m. (22,320 sq. ft.) and contains an existing single detached dwelling, two sheds and a shop. The lot to be retained will cover an area of 3,912.9 sq. m (42,120 sq. ft.), and contains an existing single detached dwelling and garden shed. The owners have also applied for a Partial Discharge of Mortgage.

G. Hough briefly reviewed the staff Planning Report. He stated that the lot to be severed will cover an area of 501.7 sq. m (5,400 sq. ft.), while the lot to be retained will cover an area of 0.40 ha (1 ac). The enlarged lot covers an area of 0.20 ha (0.5 ac). The application is consistent with the 2005 Provincial Policy Statement, complies with the County of Oxford Official Plan, and conforms to the Town of Ingersoll Zoning By-law.

V. Parker stated that she concurred with the suggested conditions and the recommendation of the staff Planning Report.

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

'Granted'

CONDITIONS:

1. The parcel intended to be severed be conveyed to the abutting landowner to the immediate east and be consolidated with said owner's existing property. Any additional transactions with regard to the severed parcel must comply with Section 50(3) and (5) of the Planning Act, R.S.O., 1990, as amended, and be reflected on the certificate.

2. 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.
3. 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.

On the motion of H. Elliott, the Committee meeting adjourned at 10:05 a.m.

"Gordon Brumby"

VICE-CHAIRPERSON