

## MINUTES

### OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, January 10, 2013

The Oxford County Land Division Committee met in the Council Chambers, County Administration Building, Woodstock, Ontario, on Thursday, January 10, 2013 at 10:40 a.m. with the following individuals:

	-	G. Brumby
	-	J. de Bruyn
	-	M. Hacon
	-	J. Palmer
	-	T. Rock
Corporate Manager	-	G. Hough
Secretary-Treasurer	-	L. Taschner

#### ELECTION OF CHAIR:

The Secretary-Treasurer opened the floor for nominations for the position of Chair and Vice Chair of the Committee for the year 2013.

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

*"That John de Bruyn be nominated for the position of Chair of the County of Oxford Land Division Committee for the year 2013."*

John de Bruyn was declared Chair of the County of Oxford Land Division Committee for the year 2013.

John de Bruyn thanked the Committee members for their vote of confidence.

#### ELECTION OF VICE-CHAIR:

Nominations for the position of Vice-Chair were invited.

Moved by: J. Palmer  
Seconded by: T. Rock

*"That Gordon Brumby be nominated for the position of Vice-Chair of the County of Oxford Land Division Committee for the year 2013."*

Gordon Brumby was declared Vice-Chair of the County of Oxford Land Division Committee for the year 2013.

#### APPOINTMENT OF SECRETARY-TREASURER:

Moved by: T. Rock  
Seconded by: M. Hacon

*"THAT, in accordance with Section 44(8) of The Planning Act, RSO 1990, as amended, Louise M. Taschner, be appointed as Secretary-Treasurer of the County of Oxford Land Division Committee for 2013 with the authority to issue certificates of consent (as prescribed under Section 53 of The Planning Act, RSO, 1990, as amended) and certificates of validation in respect of land described in the certificate, (as prescribed under Section 57 of The Planning Act, RSO, 1990, as amended).*

CARRIED.

APPOINTMENT OF ACTING SECRETARY-TREASURER:

Moved by: T. Rock  
Seconded by: M. Hacon

*“THAT, in accordance with Section 44(8) of The Planning Act, RSO 1990, as amended, Elizabeth Buchanan be appointed as Acting Secretary-Treasurer of the County of Oxford Land Division Committee for 2013 with the authority, in the absence of the Secretary–Treasurer, to issue certificates of consent (as prescribed under Section 53 of The Planning Act, RSO, 1990, as amended) and certificates of validation in respect of land described in the certificate (as prescribed under Section 57 of The Planning Act, RSO, 1990, as amended).”*

CARRIED.

DECLARATION OF CONFLICT OF INTEREST:

None.

APPROVAL OF MINUTES:

Moved by: T. Rock  
Seconded by: M. Hacon

*“The Minutes of the Meeting of December 6, 2012, be approved as printed and circulated.”*

CARRIED.

BUSINESS ARISING FROM MINUTES:

None.

CORRESPONDENCE:

Correspondence dated December 19, 2012, was received from the Oxford County Public Works Department regarding Application B12-67-5 (2341066 Ontario Limited).

Letters in support dated January 8, 2013, were received from neighbouring property owners regarding Application B12-67-5 (2341066 Ontario Limited).

A letter of objection dated January 9, 2013, was received from Sandra Talbot regarding Application B12-61-8; A12-10-8 (Ed Beaver).

A letter of objection dated January 9, 2013 was received from Mike & Adel Fortin regarding Application B12-61-8; A12-10-8 (Ed Beaver).

A letter of objection dated January 9, 2013 was received from Tammie Jorna regarding Application B12-61-8; A12-10-8 (Ed Beaver).

A letter of objection dated January 9, 2013 was received from Bob Luyben regarding Application B12-67-5 (2341066 Ontario Limited).

APPLICATIONS FOR CONSENT:

B-12-61-8; A12-09-8- Ed Beaver (Lots 9 & 10, Reg. Plan 86, City of Woodstock)

Dave Redford, the owner's agent, was in attendance to present the application. Also in attendance were the following individuals:

Adel Fortin  
328 Mill Street  
Woodstock ON N4S 2X7

Harry & Andrea Klingenberg  
232 Bower Hill Road  
Woodstock ON N4S 2N4

Sandra Talbot  
311 St. Andrews Road  
Woodstock ON N4S 8S9

Bill Gillespie  
225 Bower Hill Road  
Woodstock ON N4S 2N5

Steven Jorna  
Tammie Jorna  
242 Bower Hill Road  
Woodstock ON N4S 2N4

Ron Rawlings  
334 Mill Street  
Woodstock ON N4S 2X7

Henry Scheerhoorn  
643 Lakeview Drive  
Woodstock ON N4T 0A5

D. Redford briefly explained the application to the Committee. He suggested a conflict of interest with Sandra Talbot speaking at the hearing. He pointed out that she made the motion to turn down the application at the Woodstock Council meeting. He stated that he understands that the neighbours are proud of their area and have concerns with the removal of trees. He suggested that the trees could be removed at any time. He also stated that the neighbours had concerns with drainage in the area. In response to these concerns, he suggested that the creation of a lot for a new single-detached home will not further affect the drainage and suggested that drainage will improve with development of the lot. The application complies with the Official Plan policies and meets the Woodstock Zoning By-law.

In response, J. de Bruyn stated that it is up to the individual to determine whether a conflict of interest exists and then declare it appropriately. He stated that he was satisfied with S. Talbot's decision to make a presentation.

The purpose of the Application for Consent is to create a residential building lot. The lot to be severed will cover an area of 887.7 sq. m (9,555 sq. ft.) and is currently vacant. The lot to be retained will cover an area of 465.4 sq. m (5,010 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.

Permission is sought from Section 6.2, Lot Frontage, to permit a lot frontage for the lot to be severed of 5.49 m (18 ft) in place of the 12 m (39.37 ft) required by the City of Woodstock Zoning By-law No. 8626-10.

G. Hough reviewed the staff Planning Report. He pointed out that correspondence was received from neighbouring residents addressed to City Council which have been appended to the staff Report. The application is consistent with the 2005 Provincial Policy Statement (PPS). The PPS provides guidance and encourages intensification. The application complies with the policies of the Official Plan (OP). The OP governs how intensification is to take place through backyard infilling. A minor variance from the frontage provision has also been applied for the lot to be severed. The By-law requires 50 feet and the owner is requesting 18 feet. It has been suggested that the frontage be increased to 20 feet from the 18 feet applied for. He indicated that the proposal can be considered favourably for a single-detached dwelling. He pointed out that drainage concerns have been raised by the area residents. A full drainage and grading plan will be required to be submitted, together with the location of the dwelling prior to the severance being completed. He addressed the access concerns raised by the area residents. A joint access between the severed and retained lots is recommended. The deck on the lot to be retained will need to be removed to accommodate adequate access and parking on the retained parcel.

Adel Fortin delivered her comments through a power point presentation. She explained that she and her husband have lived in their home for 16 years. Their property backs on to 236 Bower Hill Road. She stated that the variance is too large, even if the frontage is increased to 20 feet. There will be a loss of privacy and the severance will be detrimental to the area, resulting in reduced property values. She stated her concerns with the storm water drainage in the area as many of the homes are downhill from the property. There are a number of trees on the property and the tree

roots assist with water absorption, but if the trees are removed there will be no where for the water to go but downhill. She noted that there were previous severances in the area; however, the lot frontages of those lots were maintained. She stated that additional traffic will result and more vehicles will be backing out onto a busy road with a dangerous hill. She indicated that no building plans have been submitted. She further stated that the new subdivision developed has vacant lots available for sale. Also water runs from this area downhill to the properties, resulting in additional drainage concerns.

Ron Rawlings stated that he lives immediately south of the property subject of the severance. He has lived in his home for 36 years. He indicated that he too had concerns with the drainage problems that exist today and that it will only get worse. He pointed out that the new subdivision to south (Boot Hill) creates more drainage issues.

Andrea Klingenberg stated that she and her husband have lived in their home for 42 years and are immediately west of the property subject to the severance. She stated that they object to the application. She and her husband moved to this area of the City to enjoy the large lots and the character of the neighbourhood. She has never needed privacy fencing. Mr. Beaver's backyard is fully exposed to their backyard. She stated that there will be an increase in lights and noise, and they will lose their view, privacy and peaceful setting that they appreciate today. Water flow is extensive and flowerbeds have often been washed out. She sees the severance purely for profit. She pointed out that Woodstock Council recommended denial of the application.

Tammie Jorna stated that he and her husband live east of the property subject to the severance. She is opposed to the application. They moved into their home one year ago. A privacy fence and a house in the backyard will dramatically be detrimental to the neighbourhood. She voiced her concern over drainage problems and requested the Committee to preserve this area, and to not approve the severance.

Sandra Talbot stated that she was in attendance as a tax payer. She was a long-time resident of Bower Hill Road. Her parents built their home in 1951 and she still knows 90 per cent of the neighbouring residents. There have not been a lot of changes to the area, as many of the lots on the average are still one acre in size. She pointed out that the Township of South-West Oxford municipal boundary is just five homes away to the west of the subject property. There is no need for additional infill along Bower Hill Road. There is no shortage of building lots in Woodstock. There are approximately 4,700 single family lots available for future development. Approximately, 170 single family lot permits were issued in 2011. There is a 27-year supply of building lots. Traffic has increased on Bower Hill, as has speed. She commented that a shared driveway is not attractive. She is passionate about her neighbourhood and respectfully requested the Committee to deny the application.

Bill Gillespie stated that he owns his property located south of the property to be severed. He indicated that he lost 39 trees when the tornado hit Woodstock in 1979. He stated that when Catharine Street was being developed, he was approached to sell a portion of his lot. He declined. He pointed out that Bower Hill is already a busy road as it is used as an emergency detour when there are accidents on the 401.

Henry Scheerhorn stated that he was in attendance on behalf of his son who lives at 230 Bower Hill Road. His son enjoys the wide open space and the culture of the area.

In response to the residents' concerns, D. Redford stated that he intends to sever the lot in order to build a home for himself. He appreciates the concern of the residents for the trees. A grading plan will be submitted. He also stated that he intends to upgrade the existing home on the retained lot and will sell it.

Steve Jorna questioned D. Redford as to why he wouldn't demolish the existing home and build his new home on the large lot. In response, D. Redford stated that he proposes to construct a \$400,000 home on the lot to be severed. It's too expensive for him to also tear down the existing home.

T. Rock requested clarification of A. Fortin's comments regarding her 'overview' and regarding 'Boot Hill'. In response, A. Fortin pointed out that there is already a new subdivision with lots available to the south along Mill Street, known as Boot Hill. Also regarding the overview, she pointed out that if a house is permitted to be constructed in the backyard, it will overlook many of the existing properties, thus resulting in privacy issues.

In response to T. Rock's inquiry about the minor variance, G. Hough explained the reason for the minor variance. T. Rock further questioned how the minor variance is considered to be in keeping with the Official Plan. In response, G. Hough stated that criteria in the Official Plan recognizes reduced lot frontages for this type of severance and further it was concluded that the minor variance meets the four tests. Planning staff relies on City Engineering to address concerns with drainage. T. Rock asked whether the application was consistent with the existing pattern in the area. In response, G. Hough explained that there is a mix of lot sizes, and concurred that the proposal is consistent.

In response to M. Hacon's request, G. Hough stated that the average lot sizes were not available at this time. He stated that it is not the lot size alone that determines consistency.

In response to J. de Bruyn, G. Hough explained that with regard to the existing shed on the property, the rear lot line will need to comply with the Zoning By-law. D. Redford explained that the shed will be removed.

J. de Bruyn questioned to whose satisfaction will the drainage plan be prepared? In response, G. Hough pointed out that a grading plan will be required to be reviewed by the City Engineering Department prior to the severance being completed.

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

*"Not Granted"*

#### Amendment to Motion

Moved by: T. Rock  
Seconded by: G. Brumby

*"The Committee is not satisfied that the minor variance requested constitutes is minor in nature, and is of the opinion that the application is consistent with the residential area of the neighbourhood."*

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

*"Not Granted"*

#### B12-61-8

#### REASONS:

1. The proposed severance is not in keeping with the characteristics of the neighbourhood and not consistent with the lots in the immediate vicinity.
2. The proposed severance is not in keeping with the policies of the County Official Plan.

#### A-12-09-8

#### REASONS:

1. It was the Committee's opinion that the variance requested is not a minor variance from the provisions of the City of Woodstock Zoning By-law No. 8626-10.

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2. It was the Committee's opinion that the variance requested is not desirable for the appropriate development or use of the land, building or structure.

CARRIED.

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B12-47-3; A12-11-3 – David Neil & Mandy Peck-Neil (Part Lot 7, Conc. 4, Township of Norwich, formerly North Norwich)

David Neil was in attendance to present the application to the Committee. He stated that he wishes to sever a lot for a new house.

The purpose of the Application for Consent is to create a residential building lot. The lot to be severed will cover an area of 1,025.9 sq. m (11,042.4 sq. ft.), and contains an existing shed measuring 12' x 45' in size. The lot to be retained will cover an area 1,530.1 sq. m (16,470.5 sq. ft.), and contains an existing single detached dwelling and two sheds. It is proposed that a single detached dwelling will be constructed on the lot to be severed.

Permission is sought to recognize the existing 3.7 m x 13.7 m (12 ft x 45 ft) accessory building (garage) on the lot to be severed without an established main use.

G. Hough reviewed the staff Planning Report. He indicated that the application is consistent with the 2005 Provincial Policy Statement (PPS) and complies with the Oxford County Official Plan. He pointed out that the application was previously deferred by the Committee in order to allow the applicants to amend the application to include a minor variance.

D. Neil stated that he concurred with the findings and suggested conditions of the staff Planning Report.

M. Hacon questioned whether the minor variance should have a time limit. In response, G. Hough stated that he did not think that a time limit was necessary in this instance. G. Hough explained that typically this type of minor variance is not supported; however, staff are satisfied that the specific circumstances of this proposal could be supported. Normally, a zone change application would be needed to facilitate the use of the accessory building for commercial purposes.

In response to a question, D. Neil explained that he proposes to construct a home for his family on the lot.

J. de Bruyn asked whether there would be provision made for where the house is to be located to allow for future housing. In response, G. Hough indicated that the lot is of a size to be in keeping with existing development in the vicinity.

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

*"Granted"*

B-12-47-3

CONDITIONS:

1. The owners shall enter into a severance agreement with the Township of Norwich, to the satisfaction of the Township.
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 Norwich.

3. The County of Oxford Public Works advise the Secretary-Treasurer of the County of Oxford Land Division Committee that all financial requirements have been received for separate water and wastewater services for each lot. 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 requirements must be provided to the satisfaction of the County of Oxford Public Works Department prior to clearing the condition.
4. A water meter shall be installed on the lot to be severed, to the satisfaction of the County of Oxford Public Works Department.
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.
3. The subject property is appropriately zoned.

A-12-11-3

CONDITION:

1. The relief granted shall apply to recognize an existing building on the severed parcel comprising an area of approximately 50 m<sup>2</sup> (540 ft<sup>2</sup>).

REASONS:

1. The variance requested is a minor variance from the provisions of the Township of Norwich Zoning By-law No. 07-2003-Z.
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 Township of Norwich Zoning By-law No. 07-2003-Z.

CARRIED.

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B12-35-3 – Jisk Schuurmans (Part Lot 2, Conc. 8, Township of Norwich, formerly Township of East Oxford)

Jisk Schuurmans, the owner, and Lawrence MacGillivray, applicant and purchaser of the lot to be severed, were in attendance.

The purpose of the Application for Consent is for an agricultural lot addition. The lot to be severed will cover an area of 19.43 ha (48 ac), contains a steel grainery (to be removed) and an accessory buildings (to be partially removed) and is in agricultural production. The severed lot will be added to the farm parcel to the immediate west which consists of a single detached dwelling and is in agricultural production. The lot to be retained will cover an area of 0.8 ha (2 ac) and will be used for non-farm rural residential purposes. The owner has also applied for Partial Discharge of Mortgage.

G. Hough reviewed the staff Planning Report. He explained that the application was deferred at the Committee's September 6, 2012 meeting to permit the Township Council to re-zone the lot to a special Rural Residential Zone recognizing the large accessory structure. He also noted property standard issues and that the Township has recommended that the retained lot be cleaned up, as per Condition No. 4 in the recommendations. There are no issues with barns identified by the Township (for MDS purposes) as they are already located on another property.

J. Schuurmans stated that he concurred with the findings and suggested conditions of the staff Planning Report.

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

*"Granted"*

CONDITIONS:

1. The lot to be retained be appropriately re-zoned.
2. The parcel intended to be severed be conveyed to the abutting landowner to the immediate west and be consolidated with said owners existing property. Any additional transactions with regard to the severed parcel must comply with Section 50 (3) & (5) 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 Norwich.
4. The lot to be retained be cleaned-up to the satisfaction of the Township Chief Building Official, including, but not limited to, the following:
  - All structures other than those permitted by zoning be demolished and all material be removed from the site, including all concrete bases and foundations;
  - All debris, unlicensed vehicles, trailers, bins etc be removed from the site;
  - The retained lot be graded, levelled and seeded; and
  - A Change of Use permit be obtained confirming the use of the dwelling on the retained lands as a single detached dwelling.
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.

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

CARRIED.

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B12-62-6 – Kevin & Karen Bushell (Part Lot 20, Conc. 1, Town of Ingersoll, formerly Township of West Oxford)

Kevin Bushell was in attendance to present his application to the Committee.

The purpose of the Application for Consent is to create a new lot. The lot to be severed will cover an area of 852.4 sq. m (9,176 sq. ft.), and is currently vacant. The lot to be retained will cover an area of 962.4 sq. m (10,360 sq. ft.), and contains an existing single detached dwelling. It is proposed that a single detached dwelling will be constructed on the lot to be severed.

G. Hough reviewed the staff Planning Report. . He indicated that the application is consistent with the 2005 Provincial Policy Statement (PPS), complies with the Oxford County Official Plan, and conforms to the Town's Zoning By-law.

K. Bushell indicated that he concurs with the findings and suggested conditions of the staff Planning Report.

Moved by: T. Rock  
Seconded by: G. Brumby

*"Granted"*

CONDITIONS:

1. 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.
2. The owners shall enter into a standard Severance Agreement with the Town of Ingersoll, to the satisfaction of the Town.
3. 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.
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.

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3. The subject property is appropriately zoned.

CARRIED.

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B12-59-5 – 2180475 Ontario Inc. (Part Lot 4, Concession 4, Township of Zorra, formerly Township of West Zorra)

Dean Jancsar, the owner's agent, was in attendance to speak to the Committee. Also in attendance was John Wilkerson, 375223 37<sup>th</sup> Line, R. R. 4, Embro ON N0J 1J0. D. Jancsar presented the application.

The purpose of the Application for Consent is to create a new agricultural business lot. The lot to be severed will cover an area of approximately 0.69 ha (1.7 ac), and contains no buildings or structures. The lot to be retained will cover an area of approximately 1.13 ha (2.79 ac) and contains an existing commercial building.

G. Hough reviewed the staff Planning Report. He indicated that the application is consistent with the 2005 Provincial Policy Statement (PPS) and complies with the Oxford County Official Plan. A re-zoning will be required. He stated that in their comments, the Public Works Department has indicated that drainage can take place efficiently, as per the applicant's site plan.

D. Jancsar stated that he concurred with the findings and suggested conditions of the staff Planning report.

G. Brumby questioned the existing zoning on the property being AB-8. In response, D. Jancsar explained that the property was previously used as a farm machinery dealership. D. Jancsar also confirmed that he has received written confirmation from the County Public Works Department that an additional access will be allowed.

J. de Bruyn noted that a feed business operation is proposed and questioned whether there was anything in the County Official Plan to determine if such a use is required. In response, G. Hough stated that staff is satisfied that the use proposed is compliant with the Plan. Further, J. de Bruyn stated that the owner will not be permitted to build on the existing gas line easement.

J. de Bruyn questioned whether the septic system and the tile drain meet the County Public Health Department requirements. J. Wilkerson stated that he was the previous owner of the subject property and confirmed that the septic system is located at the front of the shop. The property is served by a municipal drain and the tile drain is closed. There is a row of trees south of the pipeline and a catch basin to the north. J. Wilkerson stated that he had no issues with the severance proceeding.

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

*"Granted"*

CONDITIONS:

1. The lot to be severed be appropriately re-zoned.
2. 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.

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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.

CARRIED.

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B12-63-4 – Ben & Margaret Teichroeb (Part Lot 18, Concession 3, Township of South-West Oxford, formerly Township of West Oxford)

Ben Teichroeb was in attendance, together with his solicitor, Murray Borndahl. M. Borndahl presented the application to the Committee. He explained that the severance is for a lot addition for the expansion of the existing parking lot. The parking lot is to be expanded to assist with snow removal. He stated that both he and his client concur with the findings and suggested conditions of the staff Planning Report.

The purpose of the Application for Consent is for an industrial lot addition. The lot to be severed will cover an area of 0.41 ha (1.02 ac), is currently vacant and is being used for parking for the adjacent property. The lot to be severed will be added to the industrial lot to the immediate north and will continue to be used as a parking lot. The lot to be retained will cover an area of 0.3 ha (0.73 ac) and contains an existing single detached dwelling. The retained lot will continue to be used for rural residential purposes. The owners have also applied for Partial Discharge of Mortgage.

G. Hough reviewed the staff Planning Report. He indicated that the application is consistent with the 2005 Provincial Policy Statement (PPS) and complies with the Oxford County Official Plan. A re-zoning of both the severed and retained lots will be required.

G. Brumby questioned the irregular shape of the lot to be retained. In response M. Borndahl stated that it was to accommodate the lot size of the residential lot.

G. Hough asked the owner to point out the location of the septic system. In response, B. Teichroeb stated that it was located at the side of the house. G. Hough explained that the Board of Health concurs with the lot configuration as a new septic bed may require a larger area. G. Hough pointed out that the retained lot meets the By-law requirements.

Moved by: M. Hacon  
Seconded by: T. Rock

*"Granted"*

CONDITIONS:

1. The lot to be severed and the lot to be retained be appropriately zoned.
2. If required, drainage assessment re-apportionment be undertaken, pursuant to Section 65 of The Drainage Act, R.S.O., 1990, at the owners' expense, to the satisfaction of the Township of South-West Oxford.
3. 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 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.

4. 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.
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.

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B12-67-5 – 2341066 Ontario Limited (Part Lot 12, Conc. 8, Township of Zorra, formerly Township of East Nissouri)

The owner, Doug Breen of Golf North Properties, together with his agent, Brandon Flewwelling, of GSP Group, were in attendance. Also in attendance was Jim Verwer, Councillor, Township of Zorra, P.O. Box 306, Ingersoll ON N5C 3K5. B. Flewwelling explained the application to the Committee indicating that the owner wishes to sever the existing single-detached dwelling from the golf course and ski hill. The home is approximately 10 years old and the previous owner lived in the home. The new owner has no need for the home.

The purpose of the Application for Consent is to create rural residential lot. The lot to be severed will cover an area of 0.69 08 ha (2.0 ac), and contains an existing single-detached dwelling. The lot to be retained will cover an area of 45.5 ha (112.4 ac), and consists of a golf club house, a maintenance building, and a garage, all associated with the existing golf course.

G. Hough reviewed the staff Planning Report. He explained that neither the 2005 Provincial Policy Statement (PPS) nor the County Official Plan support this type of severance. The PPS does not allow severances of rural residences, other than by way of a farm consolidation. The County Official Plan also prohibits the severance of a dwelling accessory to a recreational use in an Agricultural Reserve designation. Therefore, the recommendation is to deny the severance.

B. Flewwelling stated that he understood the policies; however, argued that this application is a unique situation. This property is a recreational use within an agricultural area, and a residential dwelling was permitted accessory to the use. He stated that a simple farm consolidation would allow the severance of the accessory dwelling. This situation, however, was not contemplated in the PPS. The property is not an agricultural farm operation. There is no impact and no loss of agricultural land. There is no precedent being set. No physical changes will result. The owner would be prepared to re-zone the property, prohibiting the construction of any additional residences from being constructed.

D. Breen stated that he has been a municipal councillor in the County of Wellington since 1997. He indicated that this proposal is a unique situation. From a business perspective, the existence of a residence has been a source of trouble. He is not in the rental business. He owns a number of golf courses in the area.

Jim Verwer, Ward 3 Councillor of the Township of Zorra, stated that each application should be looked at on its own merit. No negative comments have been received from the area residents in the neighbourhood. No precedent will be set and it will be good for the Township, resulting in an increased tax base. He indicated that it is good to see a new owner take over the property.

M. Hacon requested the Corporate Manager to explain the Official Plan policies regarding the removal of the accessory dwelling from a farm unit. In response, G. Hough explained the Official Plan policies and indicated that the Agricultural Reserve policy only permits the removal of the accessory single-detached dwelling from a farm property by way of a farm consolidation. The Official Plan stipulates that the residence must have been constructed prior to 1995. In this application, the house is only 10 years old and, therefore, even if consolidation occurred, the severance would not be permitted.

J. Palmer suggested that the owner should have been aware of this at the time of purchasing the property.

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

*"Not Granted"*

REASONS:

1. In accordance with Section 2.3.4 of the 2005 Provincial Policy Statement (2005 PPS) and the relevant policies of the Official Plan, the severance of the only dwelling accessory to a recreational use and the creation of a non-farm rural residential lot is not permitted unless such lot creation is the result of a farm consolidation. This proposal does not involve a farm consolidation.
2. Section 3.1.5.2.1 of the Official Plan prohibits the severance of a dwelling accessory to a permitted recreational use in the Agricultural Reserve designation.

CARRIED.

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On the motion of J. Palmer, the Committee meeting adjourned at 1:05 p.m.

*"John de Bruyn"*

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CHAIRPERSON