

## MINUTES

### OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, May 9, 2013

The Oxford County Land Division Committee met in the Council Chambers, County Administration Building, Woodstock, Ontario, on Thursday, May 9, 2013 at 10:00 a.m. with the following individuals:

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

#### DECLARATION OF CONFLICT OF INTEREST:

J. Palmer declared a conflict of interest for Application B13-14-3 (James T. & Ruth Anne Storey).

#### APPROVAL OF MINUTES:

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

*"The Minutes of the Meeting of April 4, 2013, be approved as printed and circulated."*

CARRIED.

#### BUSINESS ARISING FROM MINUTES:

None.

#### GENERAL BUSINESS:

None.

#### CORRESPONDENCE:

Correspondence dated May 7, 2013 was received from the Council of the Township of South-West Oxford regarding Application B13-08-4; A13-02-4 (Theo, Johanna & Hendrik de Kruyf).

Correspondence dated May 7, 2013 was received from the Council of the Township of South-West Oxford regarding Application B13-10-4 (D. John & Lorraine M. Paton).

Correspondence dated May 8, 2013 was received from Cecil & Kimberly Avey regarding Application B13-10-4 (D. John & Lorraine M. Paton).

#### APPLICATIONS FOR CONSENT:

B13-18-8 – Calloway Real Estate Investment Trust Inc. (Lot 10, Plan 41M-82, City of Woodstock)

George Boskovic was in attendance to present the application. He explained the severance to the Committee. He stated that he concurred with the suggested conditions and the recommendation of the staff Planning Report.

The purpose of the application for consent is to create a vacant commercial lot. The lot to be severed will cover an area of 1.09 ha (2.69 ac). The lot to be retained will cover an area of 8.64 ha (21.35 ac) and contains an existing commercial development.

G. Hough briefly reviewed the staff Planning Report. He pointed out that the property is located within the Regional Commercial Node for Woodstock in the County of Oxford Official Plan. The title of the lot to be severed and the lot to be retained merged on title and the owner is now seeking to re-establish the lot. He stated that the application is consistent with the 2005 Provincial Policy Statement (2005 Provincial Policy Statement), and complies with the County of Oxford Official Plan policies.

J. de Bruyn confirmed that the zoning will remain C6-1 after the severance and whether it would continue to be consistent with the requirements. In response, G. Hough stated that the entire site is recognized as a single parcel for zoning purposes and that there is a cap for the entire site of approximately 300,000 sq. ft. for the buildings. It was pointed out that no proposal has been brought forward at this time for the severed lot.

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

*'Granted'*

CONDITIONS:

1. A road widening of 1.5 m (4.92 ft.) along the frontage of Montclair Avenue of the lot to be severed and the lot to be retained, be dedicated to the City of Woodstock, free of all costs and encumbrances, to the satisfaction of the City of Woodstock Engineering Office.
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, which will include clauses required by the City Engineering Department where any future owner of the severed lands are bound to the conditions set out in the Minutes of Settlement (OMB Case Nos. PL070085, PL070077, PL070512) and that the Minutes of Settlement are to be registered on the title, if this has not already taken place. Additionally, this agreement shall contain a clause acknowledging that access to the severed lands will be from Montclair Drive and/or the retained lands the later of which will be through a right-of-way agreement only.
3. The owner shall agree, in writing, to satisfy all requirements, financial and otherwise, of the City of Woodstock regarding the installation of services and drainage facilities.
4. The owner 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.
5. The owner shall provide a recent survey confirming lot sizes and building setbacks, to the satisfaction of the City of Woodstock Engineering Department.
6. The Clerk of the City of Woodstock advise the Secretary-Treasurer of the Land Division Committee that all requirements of the City of Woodstock have been complied with.
7. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year of the mailing of this Notice of Decision. If all conditions are not met within one year, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within one year, the consent herein shall lapse.

REASONS:

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

2. The application for consent complies with the policies of the County of Oxford Official Plan.
3. The subject property is appropriately zoned.

CARRIED.

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B13-17-7; A13-08-7 – Dan & Nancy Gowette (Lot 538, Plan 500, Town of Tillsonburg)

Nancy Gowette was in attendance to speak to the application. She briefly explained the application 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 512 sq. m (5,520 sq. ft.) and contains an existing shed (to be removed). The lot to be retained will also cover an area of 512 sq. m (5,520 sq. ft.) and contains an existing single detached dwelling with a detached garage and attached carport. It is proposed that a single detached dwelling with an attached garage will be constructed on the lot to be severed. The owners have also applied for a Partial Discharge of Mortgage.

The minor variances will allow for reduced minimum lot areas, minimum lot depths, and minimum lot frontages for the severed and retained lots. The following minor variances have been requested from the Town of Tillsonburg Zoning By-law No. 3295:

Section 6.2, Low Density Residential Type 1 Zone	Requested	Required
Lot Area (Severed Lot)	512 m <sup>2</sup> (5,520 ft <sup>2</sup> )	608 m <sup>2</sup> (6,545 ft <sup>2</sup> )
Lot Area (Retained Lot)	512 m <sup>2</sup> (5,520 ft <sup>2</sup> )	608 m <sup>2</sup> (6,545 ft <sup>2</sup> )
Lot Depth (Severed & Retained Lots)	30.4 m (100 ft.)	32 m (105 ft.)
Lot Frontage (Severed Lot)	16.7 m (55 ft.)	19 m (62.3 ft.)
Lot Frontage (Retained Lot)	17.1 m (56.2 ft.)	19 m (62.3 ft.)

G. Hough briefly reviewed the staff Planning Report. He stated that the application is consistent with the lots in the area, and that there was a mix of lot sizes. He explained that the owners have applied to the Town of Tillsonburg Committee of Adjustment for variances related to the proposed building on the severed lands.

N. Gowette stated that she concurred with the suggested conditions and the recommendation of the staff Planning Report.

M. Hacon questioned whether the shed straddling the lot line between the severed and retained lots has been removed. In response, N. Gowette pointed out that the shed is coming down. G. Hough suggested that a condition be imposed requiring removal of the shed. M. Hacon stated that he would prefer to see such a condition added.

J. Palmer asked the owner if the shed had a foundation. In response, N. Gowette stated that it did and that it will be removed as well.

The Secretary-Treasurer read the added condition to the Committee:

*“The existing shed on the lot to be severed be removed, to the satisfaction of the Chief Building Official of the Town of Tillsonburg.”*

The Committee concurred with the addition of the additional condition.

Moved by: M. Hacon  
Seconded by: H. Elliott

*'Granted'*

B-13-17-7

CONDITIONS:

1. The owners enter into a severance agreement with the Town of Tillsonburg.
2. 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.
3. The Town of Tillsonburg Building Services Department advise the Secretary-Treasurer of the County of Oxford Land Division Committee that Building Permits No. 1998-81 and No. 2010-60 are completed and the permits closed, to the satisfaction of the Town of Tillsonburg Building Services Department.
4. The existing shed situated on the lot to be severed be removed, to the satisfaction of the Chief Building Official of the Town of Tillsonburg.
5. The Clerk of the Town of Tillsonburg advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town, 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-13-08-7

REASONS:

1. The variances requested are minor variances from the provisions of the Town of Tillsonburg Zoning By-law No. 3295.
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.

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4. The variances requested are in keeping with the general intent and purpose of the Town of Tillsonburg Zoning By-law No. 3295.

CARRIED.

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B12-50-1 – Magee Farms Ltd. (Part Lots 21 & 22, Concession 4, Township of Blandford-Blenheim, formerly Township of Blenheim)

Jim Magee, together with his agent, Ms. Elizabeth Ottaway, were in attendance to present the application. E. Ottaway explained the application to the Committee. She indicated that the owner wishes to sever a 100 acre vacant agricultural lot and to retain a 164 acre cow/calf operation. She pointed out that the cattle are outside all year long. The subject property is surrounded by a number of farming operations. She stated that 100-acres is viable and the property can support a farming operation. The retained lot contains an existing single detached dwelling and a barn. There is buildable area on the severed lot which has been identified by the Grand River Conservation Authority. The proposal is consistent with the 2005 Provincial Policy Statement (2005 Provincial Policy Statement) and complies with the Official Plan policies for agricultural severances.

The purpose of the Application for Consent is to create an agricultural lot. The lot to be severed will cover an area of 40 ha (100 ac), contains no buildings or structures and is in agricultural production.

The lot to be retained will cover an area of 66 ha (164 ac), contains farm buildings associated with a beef operation and an accessory single detached dwelling.

G. Hough briefly reviewed the staff Planning Report. He stated that the application meets the agricultural policies with regard to viability and flexibility for the type of agriculture found in the area.

E. Ottaway stated that she concurred with the suggested conditions and the recommendation of the staff Planning Report.

J. de Bruyn questioned whether drainage assessment re-apportionment will be required. In response, G. Hough stated that there were no municipal drains on the property.

J. Magee stated that the property consists of floodplains and rolling hills and the only drain that runs through the property is his own.

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

*'Granted'*

CONDITIONS:

1. 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.
2. 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.
  3. The subject property is appropriately zoned.

CARRIED.

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B13-08-4; A13-02-4 – Theo, Johanna & Hendrik de Kruyf (Part Lots 15 & 16, Concession 6,  
Township of South-West Oxford, formerly  
Township of Dereham)

Theo & Erik de Kruyf were in attendance to present the application. E. de Kruyf reviewed the late correspondence received from South-West Oxford Council, and briefly explained the application to the Committee.

The purpose of the Application for Consent is to create an agricultural lot. The lot to be severed will cover an area of 28.5 ha (70.4 ac), contains a single detached dwelling and is in agricultural production. The lot to be retained will cover an area of 40 ha (98.8 ac), contains farm buildings and an accessory single detached dwelling and also in agricultural production. The owners have applied for a Partial Discharge of Mortgage.

Permission for relief is sought from the provisions of Township of South-West Oxford Zoning By-Law 25-98, Section 8.2 (A2 ZONE - LOT AREA) to allow a lot area of 28.5 ha (70.4 ac) in place of the minimum requirement of 30 ha (74.1 ac).

G. Hough briefly reviewed the staff Planning Report. He explained that the lot to be severed will cover an area of 70 acres and is deficient in terms of the lot area requirement of 74.8 acres of the A2 Zone in the Township's Zoning By-law. He stated that a dairy operation is proposed and that no viability plan is required. The application is consistent with the 2005 Provincial Policy Statement (PPS) and complies with the Official Plan policies. A minor variance has been submitted with the severance for the deficient lot area.

E. de Kruyf concurred with the suggested conditions and the recommendation of the staff Planning Report.

G. Brumby questioned the access lane to the property located west of the property zoned RR-1 and whether there was a home on the property. In response, E. de Kruyf stated that there was no home. He asked whether a new single detached dwelling will be constructed on the severed lot. In response, Theo de Kruyf stated that they only a barn is proposed to be constructed.

J. de Bruyn questioned the minor variance. In response, G. Hough explained that the minor variance will permit the lot to be severed to have a deficient lot area. The minor variance will be part of the severance decision.

Moved by: H. Elliott  
Seconded by: M. Hacon

*'Granted'*

B-13-08-4

CONDITIONS:

1. If required, a road widening to 15 m (50 feet) from the centre line of Oxford Road 27 (Prouse Road) along the frontage of the lot to be severed be dedicated to the County of Oxford, free of all costs and encumbrances, to the satisfaction of the County Director of Public Works.
2. 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.

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.

A-13-02-4

REASONS:

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

CARRIED.

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B13-09-2: A13-03-2 – Neal & Gwenda Hallock (Lot 11, Plan 35, Township of East Zorra-Tavistock, formerly Township of East Zorra- Innerkip)

Neal Hallock, Jr. was in attendance to present the application. Also in attendance were Randy & Andrea Spencer, 139 Coleman Street, P.O. Box 373, Innerkip ON N0J 1M0.

N. Hallock briefly explained the application to the Committee. He indicated that a minor variance has been requested to all the lot a reduced lot area, lot depth and rear yard. He questioned Condition No. 3 requiring cash in lieu payment. In response, G. Hough pointed out that this is a Township requirement, and in lieu of parkland being designated, payment must be made to the Township.

The purpose of the Application for Consent is to create a residential building lot. The lot to be severed will cover an area of 521.17 sq. m (5,610 sq. ft.), and is currently vacant. The lot to be retained will cover an area of 496.64 sq. m (5,346 sq. ft.), and contains an existing single detached dwelling and detached garage. A single detached dwelling is proposed to be constructed on the lot to be severed. The owners have also applied for Partial Discharge of Mortgage.

The following minor variances are requested from the Township of East Zorra-Tavistock Zoning By-law No. 2003-18:

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Section	Requested	Required
Section 12.2 – Lot Area (Retained Lot)	496.64 sq. m (5,346 sq. ft.)	600 sq. m (6,458.6 sq. ft.)
Section 12.2 – Lot Depth (Severed Lot)	20.12 m (66 ft)	30 m (98.4 ft)
Section 12.2 – Lot Depth (Retained Lot)	24.69 m (81 ft)	30 m (98.4 ft)
Section 5.1.1.3 - Rear Yard Setback for a Building Accessory to a Residential Use (Retained Lot)	0.91 m (3 ft)	1.2 m (3.9 ft)

G. Hough briefly reviewed the staff Planning Report. He explained that the area is designated for low density residential development, and is zoned R1 in the Township's Zoning By-law. The minor variance will facilitate the creation of the lot. The Township Committee of Adjustment has approved a minor variance for the proposed building setbacks, in principle. The application is consistent with the 2005 Provincial Policy Statement and complies with the Official Plan policies. The proposal meets the infilling policies of the Official Plan.

N. Hallock stated that he concurred with the suggested conditions and the recommendation of the staff Planning Report.

R. Spencer stated that he and his wife own the property directly to the north. He stated that he felt the lot to be severed is too small and noted that the new home will be directly behind his backyard. N. Hallock stated that the location of his existing house has legal non-conforming status and the Township Committee of Adjustment has approved minor variances relating to the building of the new home. R. Spencer questioned whether a privacy fence could be erected between his property and the new lot. N. Hallock indicated that its April 3<sup>rd</sup> meeting, the Township felt that a fence was not needed as the Spencer house will back onto open property.

G. Brumby asked whether a condition could be imposed requiring the owner to erect a fence? In response, R. Spencer indicated that when he questioned Township Council, it was pointed out to him that Council does not have the authority regarding fences and that the building permit could require the owner to erect a fence.

The Committee discussed the fencing issue, and concurred that an additional condition would be imposed requiring the owners to erect a fence along the northerly boundary of the Spencer lot.

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

*'Granted'*

B13-09-2

CONDITIONS:

1. The owners enter into a standard Severance Agreement with the Township of East Zorra-Tavistock, to the satisfaction of the Township.
2. 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 East Zorra-Tavistock.
3. The owners submit a payment of \$1,000.00 cash-in-lieu for parkland purposes to the Township of East Zorra-Tavistock, to the satisfaction of the Township.
4. A privacy fence be constructed along the rear lot line of the lot to be severed, to the satisfaction of the Chief Building Official of the Township of East Zorra-Tavistock.

5. 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.
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.
3. The subject property is appropriately zoned.

A13-03-2

REASONS:

1. The variance requested is a minor variance from the provisions of the Township of East Zorra-Tavistock Zoning By-law No. 2003-18.
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 East Zorra-Tavistock Zoning By-law No. 2003-18.

CARRIED.

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B13-10-4 – D. John & Lorraine M. Paton (Part Lot 18, Concession 5, Township of South-West Oxford, formerly Township of Dereham)

John Paton, together with his solicitor, Terry Thompson, were in attendance to present the application. J. Paton and T. Thompson reviewed the late correspondence received from the Council of the Township of South-West Oxford and from Cecil & Kimberly Avey. T. Thompson explained that he was representing M. Borndahl a partner in his firm. He briefly explained the application and stated that the severance is for a lot consolidation, which will result in a lot that will be used for rural residential purposes.

The purpose of the Application for Consent is for an agricultural lot addition. The lot to be severed will cover an area of 29.5 ha (73 ac), contains no buildings or structures, is in agricultural production and will be added to the agricultural lot to the immediate west, which covers an area of approximately 71.65 ha (177.1 ac), contains farm buildings an accessory single detached dwelling and is in agricultural production. The lot to be retained will cover an area of 0.85 ha (2.1 ac), and contains an existing dwelling with an attached garage and a small garden shed. It will be used for non-farm rural residential purposes. The owners also have applied for a Partial Discharge of Mortgage.

G. Hough briefly reviewed the staff Planning Report. He stated that the proposal is consistent with the 2005 Provincial Policy Statement (PPS) and complies with the Official Plan policies. The lot to be retained will require a re-zoning to recognize the proposed residential uses.

T. Thompson stated that both Mr. Paton and 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 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 owner's 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. Drainage assessment re-apportionment shall be undertaken, pursuant to Section 65 of The Drainage Act, R.S.O., 1990, at the owner's expense, to the satisfaction of the Township of South-West Oxford.
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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B13-11-3 – Kyle Arthur (Part Lot 18, Concession 1, Township of Norwich, formerly Township of South Norwich)

Tom Cline, the owner's solicitor, was in attendance to present the application. He briefly explained the application to the Committee. He pointed out that the owner was granted approval by the Land Division Committee for Application B11-56-3. That application has been abandoned as he wanted to retain a smaller rural residential lot. Thus, the new application is before the Committee. He stated that he concurred with the suggested conditions and the recommendation of the staff Planning Report.

The purpose of the Application for Consent is for an agricultural lot addition. The lot to be severed will cover an area of 29.95 ha (74 ac), contains a storage shed, workshop and pack barn, and is in agricultural production. The lot to be severed will be added to the agricultural lot to the immediate east, which covers an area of approximately 25.09 ha (62 ac), contains an existing single detached dwelling and is in agricultural production. The lot to be retained will cover an area of 0.36 ha (0.88 ac), contains an existing single detached dwelling and will be used for non-farm rural residential purposes. The owner has 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 complies with the Official Plan policies. He reviewed the conditions with the Committee.

G. Brumby questioned the greenhouses on the property. In response, T. Cline indicated that the greenhouses on the lot to be severed have been removed. G. Hough also stated that if the greenhouses are still on the property to be severed, it can be dealt with through the zoning by-law amendment.

M. Hacon questioned whether the condition for re-zoning should be more specific in identifying which zone the retained lot will be. In response, G. Hough suggested that it is Planning staff's practice to leave the zone open-ended and ensured the Committee proper zoning for the retained lot would be implemented.

J. de Bruyn suggested that a special Agricultural Zone will be required for the lot to be severed to recognize the location of the buildings to the new lot line. He also questioned the barn situated on the lot to be severed. In response, T. Cline explained that the building is unoccupied. J. de Bruyn further asked whether a minimum distance separation (MDS) calculation will be required from the house on the retained lot to this identified barn. G. Hough stated that the building is used as a shed and houses no livestock, has never been used for livestock nor was it built for livestock. It will be at the Chief Building Official's discretion. G. Hough indicated that it was identified as a barn on the owner's sketch.

J. de Bruyn further questioned that if the owner of the retained lot continues to use the building situated on the severed lot, that an easement will be necessary. In response, G. Hough indicated that no easement is necessary.

Moved by: M. Hacon  
Seconded by: H. Elliott

*'Granted'*

CONDITIONS:

1. The lot to be severed, retained and enlarged be appropriately re-zoned.
2. A 0.3 m (1 ft) x 0.3 m (1 ft) parcel of land from the lot to be enlarged be deeded to the County of Oxford, free and clear of any costs or encumbrances, and a copy of the registered deed be presented to the Secretary-Treasurer of the Land Division Committee prior to the issuance of the certificate for Application #B13-11-3.

3. 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) & (5) of the Planning Act, R.S.O., 1990, as amended, and be reflected on the certificate.
4. A road widening to 15 m (50 ft) from the centre line of Oxford County Road 37, along the frontage of Potters Road, along the lot to be severed and the lot to be retained, be dedicated to the County of Oxford, free and clear of all costs and encumbrances, to the satisfaction of the County Director of Public Works.
5. The owner confirms that the septic system and well servicing the retained parcel is wholly located within the lot to be retained, to the satisfaction of the Oxford County Public Health and Emergency Services Department.
6. If required, drainage assessment re-apportionment be undertaken, pursuant to Section 65 of The Drainage Act, R.S.O., 1990, at the owner's expense, to the satisfaction of the Township of Norwich.
7. 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.
8. 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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B13-13-3 – Jaring & Thea Hettinga (Part Lot 19, Concession 2, Township of Norwich, formerly Township of North Norwich)

Bill Scheurman, the applicant, together with his solicitor, Gordon Klein, were in attendance. G. Klein presented the application to the Committee and stated that both his client and he concurred with the suggested conditions and the recommendation of the staff Planning Report.

The purpose of the Application for Consent is for an agricultural lot addition, whereby the lands to be severed will be added to the agricultural lands to the immediate east of the subject property. The lot to be severed, being a 526 m (1725.7 ft) long narrow strip, located at the rear of the lot to be retained, will cover an area of 0.4 ha (1 ac) and is vacant woodland. The lot to be enlarged is 60.7 ha (150 ac) and contains several agricultural buildings, two silos and an accessory single detached dwelling and is currently in agricultural production. The lot to be retained is also in agricultural production and also contains several farm structures as well as an accessory single detached dwelling.

G. Hough briefly reviewed the staff Planning Report. He explained that if only Application B13-13-3 were to proceed, Planning staff would not be in agreement. The severance is simply to facilitate the second severance by B13-14-3 (James & Ruth Anne Storey). The physical usage between the two lots already exists.

G. Klein concurred with the suggested conditions and the recommendation of the staff Planning Report.

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 owner's 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.
2. Prior to the issuance of the certificate for the lot to be severed, the owners shall provide the "Transfer in Preparation" and "Application Consolidation of Parcels in Preparation" for the farm consolidation proposed by Application B13-14-3, to the satisfaction of the Secretary-Treasurer of the Land Division Committee.
3. 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 Norwich.
4. 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.
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.

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J. Palmer declared a conflict of interest and left the proceedings.

B13-14-3 – James T. & Ruth Anne Storey (Part Lots 19 & 20, Concession 3, Township of Norwich, formerly Township of North Norwich)

Bill Scheurman, the applicant, together with his solicitor, Gordon Klein, were in attendance. G. Klein briefly explained the application to the Committee.

The purpose of the Application for Consent is for a farm consolidation. This application proposes to consolidate two farms that will adjoin as a result of Application B13-13-3, and will retain a lot for non-farm rural residential use. The lot to be severed will cover an area of 44.1 ha (109 ac), contains no buildings or structures, and is used for agricultural production. The lot to be severed will be added to the farm lot which will abut the newly enlarged lot (created via B13-13-03). The lot

to be retained will cover an area of 0.87 ha (2.16 ac) and contains an existing single detached dwelling (built in approximately 1980). The retained lot also contains four accessory structures, totalling 175.5 m<sup>2</sup> (1889 ft<sup>2</sup>) in area, which exceeds the permitted 100 m<sup>2</sup> (1076.4 ft<sup>2</sup>) lot coverage allowance for accessory buildings in a 'Rural Residential Zone (RR)'. The existing barn, also situated on the lot to be retained, will be removed.

G. Hough briefly reviewed the staff Planning Report. He indicated that the application is consistent with the 2005 Provincial Policy Statement and complies with the Official Plan policies. The lot to be retained will be re-zoned to a Rural Residential Zone.

G. Klein concurred with the suggested conditions and the recommendation of the staff Planning Report.

J. de Bruyn confirmed that there are six buildings on the retained lot. He questioned the solicitor to specify which building will be removed. It was pointed out that the owner must meet the By-law requirements for accessory buildings and that which building or buildings would be retained would be at the discretion of the owner.

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

*'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 south and 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) & (5) of the Planning Act, R.S.O., 1990, as amended, and be reflected on the certificate.
3. The certificate for Application B13-13-3 be issued, the transfer registered and a copy of the receipted transfer be presented to the Secretary-Treasurer of the Land Division Committee prior to the issuance of the certificate for Application B13-14-3.
4. The existing barn and accessory buildings on the lot to be retained be removed to comply with the lot coverage requirement of the applicable zone, to the satisfaction of the Township of Norwich Chief Building Official.
5. The owner confirms that the septic system and well servicing the retained parcel is wholly located within the lot to be retained, to the satisfaction of the Oxford County Public Health and Emergency Services Department.
6. If required, a 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.
7. 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.
8. 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.

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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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J. Palmer returned to the proceedings.

B13-21-8 – Highyon Shopping Centre Investment Fund No. 1 LP (Part Lots 3 & 6, Plan 495, City of Woodstock)

Miss Hayley Chiu was in attendance to present the application. She explained that the consent is for a lease of more than 21 years.

The purpose of the Application for Consent is to grant a lease greater than twenty-one (21) years from Highyon Shopping Centre Investment Fund No. 1 LP to Giant Tiger Stores Limited. The leased premises are to cover an area of approximately 2,369 m<sup>2</sup> (25,500 ft<sup>2</sup>) and consist of a retail store. The subject property is approximately 1.33 ha (3.3 ac.) in area and contains a retail/commercial plaza.

G. Hough briefly reviewed the staff Planning Report. He stated that the application is consistent with the 2005 Provincial Policy Statement, complies with the Official Plan policies, and conforms to the Woodstock Zoning By-law requirements.

Miss Chiu stated that she concurred with the suggested conditions and the recommendation of the staff Planning Report.

M. Hacon questioned whether the lease was for a particular number of years? In response, G. Hough stated that there was no issue with the number of years. There would be no physical change to the property.

G. Brumby suggested that it was the landowner and not the tenant who would request consent for a lease of over 21 years. G. Hough answered in the affirmative.

Moved by: G. Brumby  
Seconded by: H. Elliott

*'Granted'*

CONDITIONS:

1. 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.
2. 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.

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On the motion of G. Brumby, the Committee meeting adjourned at 12:10 p.m.

*"John de Bruyn"*

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CHAIRPERSON