

MINUTES

OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, November 7, 2013

The Oxford County Land Division Committee met in the Council Chambers, County Administration Building, Woodstock, Ontario, on Thursday, November 7, 2013 at 9:00 a.m. with the following individuals:

Chair	-	J. de Bruyn
	-	G. Brumby
	-	H. Elliott
	-	M. Hacon
	-	J. Palmer

Director	-	G. Hough
Secretary-Treasurer	-	L. Taschner

DECLARATION OF CONFLICT OF INTEREST:

None.

APPROVAL OF MINUTES:

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

"The Minutes of the Meeting of October 3, 2013, be approved as printed and circulated."

CARRIED.

BUSINESS ARISING FROM MINUTES:

None.

GENERAL BUSINESS:

None.

CORRESPONDENCE:

None.

APPLICATIONS FOR CONSENT:

B13-53-3 – Leonard Reeves (Part Lot 17, Concession 4, Township of Norwich, formerly Township of East Oxford)

L. Reeves was in attendance to present his application to the Committee. He indicated that the severance is for the expansion of an agricultural-business lot.

The purpose of the Application for Consent is for a lot addition to an existing agricultural-business. The lot to be severed will cover an area of 0.8 ha (2 ac) and contains an existing driveshed/storage building. It is proposed that the lot to be severed will be added to the agricultural business lot to the immediate west, consisting of an existing single detached dwelling and shop, and covering an area of 2.02 ha (5 ac). The lot to be retained will cover an area of 72.8 ha (180 ac), contains no buildings or structures and is in agricultural production.

G. Hough briefly reviewed the staff Planning Report. He indicated that the owner applied for a zone change application together with the severance. He noted that the existing zoning on the lot to be enlarged does not conform to the present use of the property. The Township has approved, in principle, a zone change application to AB-11 to recognize the cooling and climate control business on the subject property. It will also be necessary to re-zone the severed lot in order to coincide with the zoning on the enlarged lot. He pointed out that the existing storage building which is currently being used for public storage will cease as of June, 2014. The application is consistent with the 2005 Provincial Policy Statement and complies with the Official Plan policies.

L. Reeves stated that he concurred with the suggested conditions and the recommendation of the staff Planning Report.

In response to J. De Bruyn, L. Reeves stated that there was no hydro or services to the shed.

In response to J. De Bruyn, G. Hough stated that the proposed zoning on the subject property will recognize the proposed use.

In response to G. Brumby, L. Reeves indicated that there was a cooling and climate control business presently being conducted on the lot to be enlarged. L. Reeves further stated that this company serves the farming community.

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

'Granted'

CONDITIONS:

1. The lots to be severed and enlarged 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. The owner enter into a written Undertaking with the Township of Norwich indicating that the use of the driveshed on the lot to be severed as a public storage use is not a permitted use, and that such use will cease no later than June 30, 2014, to the satisfaction of the Township of Norwich.
4. If required, a 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 Township of Norwich.
5. The Clerk of the Township of Norwich advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Township of Norwich, financial, services and otherwise, have been complied with.
6. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year of the mailing of this Notice of Decision. If all conditions are not met within one year, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within one year, the consent herein shall lapse.

REASONS:

1. The application for consent is consistent with the 2005 Provincial Policy Statement.
2. The application for consent complies with the policies of the County of Oxford Official Plan.

CARRIED.

B13-59-3; A13-13-3 – 1231419 Ontario Inc. (Part Lot 578, Plan 955, Township of Norwich,
formerly Village of Norwich)

Adrian Boeder was in attendance to present his application. Also in attendance was Linda Torkelson, 79 Main Street West, Norwich ON N0J 1P0. Mr. Boeder briefly explained the application and noted that he wishes to create a residential lot.

The purpose of the Application for Consent is to create a residential building lot in the Village of Norwich. The lot to be severed will cover an area of 492.37 sq. m (5,300 sq. ft.) and is currently vacant. The lot to be retained will cover an area of 540.9 sq. m (5,822 sq. ft.) and contains an existing single detached dwelling and metal shed. It is proposed that a single detached dwelling will be constructed on the lot to be severed.

A minor variance is sought from Section 11.2, Lot Frontage, to permit a lot frontage of 10.8 m (35.4 ft) for the lot to be severed and 11.4 m (37.4 ft) for the lot to be retained in place of the 15 m (49.2 ft) required by the Township of Norwich Zoning By-law No. 07-2003-Z.

G. Hough briefly reviewed the staff Planning Report. He indicated that the owner wishes to create a residential building lot for a single detached dwelling. The application is consistent with the 2005 Provincial Policy Statement and complies with the Village Policies of the County Official Plan. The owner has requested a minor variance from the lot frontage provisions of the Zoning By-law for both the severed and retained lots. He explained that an identical application was submitted by the owner in 2004. Planning staff recommended approval of the application, however, the Land Division Committee denied the application.

A. Boeder stated that he concurred with the suggested conditions and the recommendation of the staff Planning Report.

L. Torkelson stated that she was in opposition to the application and indicated that she felt that the lots proposed are extremely narrow. She noted that the Land Division Committee denied an identical application in 2004, and that there are sufficient lots available for sale in the Village. She pointed out that there are homes that are 100 years and older, and by introducing a new house, it would destroy the historic nature of the neighbourhood. She suggested that the severance will only set a precedent for additional small lots. She stated that the homes in the area are approximately 2,000 sq. ft. in size. She noted that she felt the property values in the area will decrease. She questioned how many more minor variances will be required at the time of construction.

In response, A. Boeder stated that the larger lots in the area were to accommodate private services; however, those lots are now on municipal services and the larger lots no longer required.

G. Brumby questioned why the severance was denied in 2004? In response, G. Hough stated that the Committee felt the proposal was not in compliance with the Official Plan. G. Hough confirmed that the lot area meets the Zoning By-law. He indicated that such severances better utilize settlement areas, as now they are on municipal services, thus resulting in smaller lot sizes.

M. Hacon questioned when the Official Plan changed for this area? In response, G. Hough pointed out that the Official Plan policies did not change.

J. Palmer asked Mr. Boeder if he thought about approaching the neighbouring property owner to the immediate east to purchase additional land. In response, A. Boeder stated that he did not.

J. De Bruyn discussed the frontage of the property. G. Hough pointed out that the property is a thru-lot and comments from the Public Works Department state that the access for the lot to be severed will need to be off of Front Street. J. De Bruyn suggested that the owner could divide the lots in half a little more evenly. In response, G. Hough noted that the application would need to be reviewed more closely to ensure it would be compatible with the neighbourhood. J. De Bruyn further questioned the proposed location and size of the proposed house for the lot to be severed. In response, G. Hough stated that it would need to meet the By-law requirements.

B13-59-3; A13-13-3

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

"Not Granted"

NOT CARRIED.

B13-59-3; A13-13-3

Moved by: M. Hacon
Seconded by:

"Granted"

NOT CARRIED.

B13-59-3; A13-13-3

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

"Not Granted"

REASON:

1. The lot size proposed is not appropriate for the surrounding area and does not comply with the policies of the Oxford County Official Plan for infilling severances.

A13-13-3

REASON:

1. The variance requested is not a minor variance from the provisions of the Township of Norwich Zoning By-law No. 07-2003-Z.

CARRIED.

B13-55-1 – 2274581 Ontario Inc. (Part Lot 11 and Lots 12 & 13, Concession 12, Township of Blandford-Blenheim, formerly Township of Blenheim)

Peter Lass and John Day of 2274581 Ontario Inc., were in attendance to present the application. Also in attendance were the following individuals:

Ray Lichty
31 Washington Road North
Washington ON N0J 1B0

Brad Brown
34 Washington Street East
Washington ON N0J 1B0

Shane Durham
16 Washington Road South
Washington ON N0J 1B0

Robert Stanlake
17 Washington Street East
Washington ON N0J 1B0

J. Day explained the application and noted that they are requesting a severance to create a residential building lot. They purchased the property six months ago, and it contained an old school house. Their initial intent was to refurbish the school house and to sell it as a house. However, after a complete inspection of the building, it was determined that it would be very costly and they decided to demolish the building. They understand that the lots they are proposing are undersized according to the Township By-law, however, feel that they will be of sufficient size. He indicated that the intent of the County Official Plan is to permit infill lots. There are no safety concerns. They hired engineers who have taken soil samples, and are aware of the areas for a septic system on each proposed lot. Despite the By-law deficiency, he stated that the site is appropriate for the construction of two single detached dwellings, and feels that the severance will enhance the area with two new homes.

The purpose of the Application for Consent is to create a residential building lot. The lot to be severed will cover an area of approximately 1,634.2 sq. m (17,591 sq. ft.) and is currently vacant.

The lot to be retained will cover an area of approximately 1,637.5 sq. m (17,626 sq. ft.), and also is currently vacant. It is proposed that a single detached dwelling will be constructed on both the severed and retained lots.

G. Hough briefly reviewed the staff Planning Report. He indicated that Washington a Rural Cluster according to the Land Use Plan for Blandford-Blenheim, as contained in the County Official Plan. Lots in Washington are serviced by private water and private sanitary sewers. In reviewing the Official Plan, he stated that the proposal is not consistent with the policies respecting the provision of private services. The owners are requesting a zone change from Village (V) to Rural Residential (RR). The lots proposed are approximately 1,635 sq. m (17,600 sq. ft.), whereas the lot area requirement is 2,800 sq. m (30,140 sq. ft.). The proposed lot areas do not meet the Public Health Department requirement of 30,000 sq. ft. for private services. Small systems require additional attention. Should the system fail, additional lands are needed to accommodate the new system. Therefore, Planning staff recommends a denial of the application.

J. Day stated that each application should be dealt with on its own merits. In answer to a question as to whether the soil is satisfactory, he responded by stating that the T-time is good and meets the requirements. J. Day indicated that the best use of the property would be to divide the property into two lots and the Committee should be looking at the best use of the property. He further stated that the severance would not be negative for Washington.

B. Brown submitted a petition from the area residents who are in objection to the severance. He stated that Washington is a rural agricultural community. There is not a lot of land left to be developed and it seems that the alternative for developers is to demolish historical landmarks, sever the parcel in two and erect two dwellings with no consideration whatsoever for the hardworking, tax paying residents. Washington is a tight-knit village consisting of neighbours and friends. Many concerns have been raised regarding this proposal, and a group of concerned residents canvassed the community to find that over 90 per cent were opposed to the two single detached dwellings being constructed on the property. They would agree to one single detached dwelling. He passed around photographs of century homes depicting the Village's history.

S. Durham pointed out that he owns the property south of the severed lot at 16 Washington Street East. He noted that he has a number of concerns regarding the severance proposal. Firstly, he along with the residents of Washington, were very upset when the Washington School was demolished. There was no consultation with the area residents. He suggested that the owners could construct a single detached dwelling on the existing lot, however, feels that the severance is profit driven.

The second concern is the potential impact on road safety. He pointed out that Washington Road South and Washington Street East are designated 401 Emergency Detour Routes (EDRs). Traffic chaos and property damage occur every time the EDR is utilized. Regular traffic through the community generally respects the existing rules of the road, however, there are incidents that occur multiple times per day where some drivers have utter disregard for the safety of the residents. Adding multiple new driveways at the location of this property will only increase the risk of serious accidents.

A third concern is the strain on the existing water supply that will be imposed by the introduction of two new private wells on that part of the land. Due to the hilly nature of Washington and the nature of the soils in the area, water drains from the elevated areas to the lower lying areas very quickly. His final concern, he stated, is the most serious regarding the water supply. He indicated that the residents recognize that the owner has done his due diligence with respect to this matter, and that a septic accommodation assessment has been provided by the Engineering firm. The report provides evidence that each lot could support a newer type septic waste containment and disposal system. However, should the septic systems fail, the lots would not be large enough to accommodate a new system. He indicated that if the severance is approved and two septic systems are permitted on two smaller lots, he will be restricted as to where he could dig a new well should he have problems with his existing one. The location of the septic systems will certainly be restrictive. During the summer months, wells have reached critical levels. He indicated that there is an 8 to 10 foot drop from the severed lot to his property. After a heavy rainfall, he gets up to 6 inches of water in his basement. The Public Health Department has remained of the opinion that sufficient lot area should be maintained to ensure that a traditional Class IV system could be installed in the event that a system using new technologies does not function as planned. The County Engineering Department has requested a 15 m (50 ft) road widening from the centreline of Oxford Road 8, which would further reduce the size of the lots. He concluded by stating that the minimum lot area requirement of 2,800 sq. m should be maintained, and that he concurs with the recommendation of the staff Planning Report.

R. Lichty stated that his wife is a fourth generation resident in Washington. They live in the house beside the subject property, next door where the school house was located. He explained that all the wells in the area are hand-dug in sand and are at least 100 years old. There is no need for water softeners in the homes. Traffic is a major concern, especially when the EDR is utilized. He agreed with the earlier speakers regarding the water supply and the private services proposed. He suggested that now that the old school house has been demolished, that the owners should only be permitted to construct one home on the property and that it should resemble the existing historically-featured homes in the Village. He stated that he concurred with the recommendation of the staff Planning Report to deny the application.

In response, J. Day stated that regarding the condition of the old school, considerable effort was taken to determine if the building was sound. They spent money to examine the foundation and it was determined that it had shifted. The framing and the roof were not repairable, and the total cost to preserve the building was very costly. He indicated that a proper site plan will be required prior to the issuance of a Building Permit. He suggested that there will not be an increase in traffic, and that two additional drilled wells will not affect the existing dug wells.

G. Brumby referred to the staff Planning Report and the attached Plates and questioned J. Day if a Class 2 septic system is permissible. In response, J. Day indicated it was. It was noted that there was no septic system located on the retained lot, and that Mr. Stanlake's well provided water to the school house. Only tiles were located on the school property. G. Brumby asked the owner if he thought he could convince the Public Health Department to provide a favourable recommendation if the application was deferred. In response, J. Day indicated that he thought he could. J. Day further stated that if the application is denied, there was nothing stopping him from constructing a 6,000 sq. ft. house that, in his opinion, would use a lot more water than two homes would.

R. Stanlake pointed out that there still is a drilled well on the property and noted that he recalled there were two toilets in the school house.

J. De Bruyn questioned the zoning on the subject property. In response, G. Hough stated that the property is currently zoned Village (V) and is unserviced. He indicated that the current zoning permits a dwelling; however, the owner has submitted a zone change application to re-zone the subject property to special Rural Residential (RR-special) to recognize the location of the lands within a rural settlement and their proposed use for single detached dwellings.

M. Hacon questioned whether there would be municipal services in the future. In response, G. Hough stated that there are no short term or long term plans to provide municipal services.

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

"Not Granted"

REASON:

1. The application for consent is not consistent with the Official Plan policies respecting the provision of private services necessary to accommodate infilling development, as neither the lot to be severed nor retained will provide sufficient land for the long-term provision of private services to the existing and proposed dwellings.

CARRIED.

On the motion of J. Palmer, the Committee meeting adjourned at 11:59 a.m.

"John De Bruyn"

CHAIRPERSON