

## MINUTES

### OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, October 3, 2013

The Oxford County Land Division Committee met in the Council Chambers, County Administration Building, Woodstock, Ontario, on Thursday, October 3, 2013 at 9:00 a.m. with the following individuals:

Chair	-	J. de Bruyn
	-	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 September 5, 2013, be approved as printed and circulated."*

CARRIED.

#### BUSINESS ARISING FROM MINUTES:

None.

#### GENERAL BUSINESS:

G. Hough indicated that an Appointment for Hearing was received for Application B13-19-7; A13-04-7 (Richard & Louise Leadsom) appointing Wednesday, January 8, 2014 as the hearing date.

G. Hough indicated that an Appointment for Hearing was received for Applications B13-26-2, B13-27-2, and B13-28-2; A13-06-2 (Tru Built Construction Inc.) appointing Thursday, January 9, 2014 as the hearing date.

#### CORRESPONDENCE:

Correspondence dated September 25, 2013, was received from the OPP regarding Application B13-52-4 (Alberdina Klynstra).

Correspondence dated September 26, 2013 was received from the Upper Thames River Conservation Authority regarding Application B13-52-4 (Alberdina Klynstra).

#### APPLICATIONS FOR CONSENT:

B13-22-7 – Jacoba J. Retsinas (Part Lot 5, Plan 1646, Town of Tillsonburg)

Peter & Jacoba Retsinas were in attendance to present the application. Also in attendance were:

Henry Meyer  
163 Wilson Avenue  
Tillsonburg ON N4G 4Z5

Gary Croker  
136 Wilson Avenue  
Tillsonburg ON N4G 5G3

P. Retsinas explained the application to the Committee. He stated that he proposes to develop the lot to be retained with one-storey condominiums.

The purpose of Application B13-22-7 is for a residential lot addition. The lot to be severed will cover an area of 212 sq. m (2,282 sq. ft.) is vacant and will be added to the lot to the immediate east which also is currently vacant and covers an area of approximately 0.54 ha (1.34 ac). The lot to be retained will cover an area of 2,199.76 sq. m (23,678 sq. ft.) and contains an existing single detached dwelling and garage.

G. Hough briefly reviewed the staff Planning Report. He indicated that the property is currently zoned R1 and that a zone change will be required for any type of development other than R1 uses. He pointed out that the application before the Committee is for a severance only. The Official Plan policies allow this type of severance and that the lot to be retained is in excess of the lot area requirements. The application was considered by Tillsonburg Council at which time Council passed a resolution in support of the severance.

P. Retsinas stated that he concurred with the suggested conditions and the recommendation of the staff Planning Report.

G. Croker stated that he lives directly east of the entrance to the retained lot. He indicated that he parks his 5<sup>th</sup> Wheel R.V. on Peter Retsinas property. He stated that he felt that the Tillsonburg Council did not have all the necessary information before them at the time they were making their recommendation. He suggested that the application should be denied and dealt with by Town Council. The proposed roadway to the retained lot would only be 8 feet from his home, and will infringe on this privacy. He indicated that a petition signed by area home owners was forwarded to Town Council and to the Land Division Committee.

H. Meyer indicated that he purchased his property in 1998 and is located immediately west of the lot to be severed by B13-24-7. He provided a sketch and information to the Committee and the staff regarding the lot fabric and questioned the lot sizes. He noted that he had received this sketch at the time he purchased his property.

P. Retsinas responded to the lot fabric and indicated that he is looking to construct only one-storey buildings.

In response to M. Hacon, G. Hough indicated that only single detached dwellings are permitted to be constructed in the R1 Zone.

In response to J. De Bruyn, G. Hough confirmed that the buildings will continue to meet the setbacks of the zone on the retained lot.

#### B13-22-7

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

*'Granted'*

#### CONDITIONS:

1. 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 Sections 50(3) and (5) of the Planning Act, R.S.O., 1990, as amended, and be reflected on the certificate.

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2. 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.
  3. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year of the mailing of this Notice of Decision. If all conditions are not met within one year, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within one year, the consent herein shall lapse.

REASONS:

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

CARRIED.

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B13-23-7 to B13-25-7 – Peter Retsinas (Part Lots 5 & 6, Plan 1646, Town of Tillsonburg)

Peter & Jacoba Retsinas were in attendance to present the application. Also in attendance were:

Henry Meyer  
163 Wilson Avenue  
Tillsonburg ON N4G 4Z5

Gary Croker  
136 Wilson Avenue  
Tillsonburg ON N4G 5G3

P. Retsinas explained the application to the Committee.

The purpose of Application B13-23-7 is for a residential lot addition. The lot to be severed will cover an area of 113.42 sq. m (1,220.9 sq. ft.) is vacant and will be added to the lot to the immediate north which contains an existing single detached dwelling and garage. The purpose of Applications B13-24-7 and B13-25-7 is to create two residential building lots. The lot to be severed by B13-24-7 will cover an area of 581 sq. m (6,254 sq. ft.) and the lot to be severed by B13-25-7 will cover an area of 536 sq. m (5,769.46 sq. ft.) and it is proposed that single detached dwellings will be constructed on each lot. The lot to be retained will cover an area of approximately 0.54 ha (1.34 ac), is currently vacant and is proposed to be developed for residential condominium housing.

G. Hough briefly reviewed the staff Planning Report. He indicated that the applications are consistent with the 2005 Provincial Policy Statement (PPS), and comply with the Official Plan policies. The lot sizes proposed by B13-24-7 and B13-25-7 are similar to the lot sizes in the area. He noted that it appears that there is a small portion of land on the lot to be severed by B13-25-7 that may require a re-zoning to R1.

P. Retsinas indicated that he purchased the property approximately 20 years ago and briefly explained his application.

G. Hough explained that the 30 foot strip of land to the retained lot is for access only as a private lane, and is not to be used as a public road. The existing slope on Concession Street causes some potential limitations with respect to access. He noted that the Building Code required 20 feet for access for emergency vehicles, and re-iterated that the 30 feet access is in excess of what is typically requested.

G. Croker indicated that he had no concerns with the severance of the two lots; however, he does not want a laneway beside his home.

H. Meyer stated that he had no further comments to make.

M. Hacon requested the owner to explain the reason for the severance of the lot addition by B13-23-7. In response, P. Retsinas explained that there is an area planted in cedars that he would like to maintain with the residential lot to the north.

G. Croker indicated that he had received a sketch that was not made available for the Town Council meeting.

In response to J. Palmer's enquiry whether a road access from Concession Street to the retained lot will be available or whether access will be via Wilson Avenue only, G. Hough pointed out that the owner will be required to undertake a traffic study at the time of development. The development, including appropriate access to the site, will be processed through a plan of subdivision.

J. Palmer indicated that he felt that access to the retained lot should be via Concession Street. G. Hough reiterated that that will be determined through the zoning, site plan, traffic and other studies.

The Committee discussed the lot configurations of the lots. G. Hough pointed out that two additional conditions will be necessary for B13-25-7, one requiring that the severance for B13-24-7 be completed prior to the completion of B13-25-7, and the second that the severed lot be appropriately re-zoned.

B13-23-7

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

*'Granted'*

CONDITIONS:

1. The parcel intended to be severed be conveyed to the abutting landowner to the immediate north and be consolidated with said owner's existing property. Any additional transactions with regard to the severed parcel must comply with Sections 50(3) and (5) of the Planning Act, R.S.O., 1990, as amended, and be reflected on the certificate.
2. The Clerk of the Town of Tillsonburg advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town, financial, services and otherwise, have been complied with.
3. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year of the mailing of this Notice of Decision. If all conditions are not met within one year, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within one year, the consent herein shall lapse.

REASONS:

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

B13-24-7

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

*'Granted'*

CONDITIONS:

1. The owner 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. 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.
3. The owner provide a preliminary lot grading plan, to the satisfaction of the Town of Tillsonburg Engineering Department.
4. 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.
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.

B13-25-7

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

*'Granted'*

CONDITIONS:

1. If required, the lot to be severed be appropriately re-zoned.
2. The owner enter into a Severance Agreement with the Town of Tillsonburg.
3. The Certificate for Application B13-24-7 be issued, the Transfer be registered 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 B13-25-7, to the satisfaction of the Secretary-Treasurer.

4. 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. 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.
5. The owner provide a preliminary lot grading plan, to the satisfaction of the Town of Tillsonburg Engineering Department.
6. 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.
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.

CARRIED.

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B13-52-4 – Alberdina Klynstra (Part Lot 15, Concession 2, Township of South-West Oxford, formerly Township of Dereham)

Mrs. Alberdina Klynstra, together with her agent, Mr. David Roe, were in attendance to present the application. D. Roe explained the application to the Committee.

The purpose of the Application for Consent is for a lot addition. The lot to be severed will cover an area of 3,713.6 sq. m (39,974.2 sq. ft.), contains no buildings or structures and will be added to the existing institutional property to the immediate east and north. The lot to be enlarged contains an existing church and covers an area of 6,039 sq. m (65,005.4 sq. ft.). The lot to be retained will cover an area of 5.12 ha (12.65 ac), contains two agricultural buildings, and will continue to be used for agricultural purposes.

G. Hough briefly reviewed the staff Planning Report. He indicated that a 0.9 ac parcel of land is proposed to be severed and added to the abutting church property. The retained lot is an undersized parcel covering an area of 12.6 ac. The application is consistent with the 2005 Provincial Policy Statement (PPS) and complies with the Oxford County Official Plan policies.

D. Roe indicated that both he and his client concur with the findings and suggested conditions of the staff Planning Report.

J. De Bruyn questioned the parcel of land immediately west of the severed and retained lots that were acquired by the railroad. In response, G. Hough stated that the railways are not exempt from Planning Act requirements, but may be subject to exemptions provided through Federal regulations.

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

*'Granted'*

CONDITIONS:

1. The lot to be severed and the lot to be retained be appropriately re-zoned.
2. 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 South-West Oxford.
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 Sections 50(3) & (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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J. De Bruyn left the proceedings. M. Hacon took over as Chair of the Committee.

B12-38-4 – Linnda Wellink (Part Lot 25, Conc. 9, Township of South-West Oxford, formerly Township of Dereham)

Ms. Linnda Wellink, together with her agent, David Roe, were in attendance to present the application. Also in attendance was Arnold Ypma, 223455 Ostrander Road, R. R. #7, Tillsonburg ON N4G 4H1. D. Roe indicated that he was not originally involved with the file. He pointed out that no business is being operated in the barn situated on the retained lot, and that it is only used for storage. The retained lot has been reduced to 2.5 ac. He indicated that the Council of the Township of South-West Oxford has approved, in principle, the re-zoning on the retained lot, permitting the two accessory buildings to remain on the property. The existing shed is used as a garage. No livestock will be permitted in the structures. The severed lot is to be added to the farm property to the immediate east.

The purpose of the Application for Consent is for a lot addition. The lot to be severed will cover an area of 19.3 ha (47.7 ac), contains two (2) small sheds and comprises agricultural land in crop production. The lot to be severed will be added to the agricultural lot to the immediate which covers an area of approximately 113.3 ha (280 ac), comprising two farm complexes that contain two barns,

and two single detached dwellings with attached garages, and is in agricultural production. The lot to be retained will cover an area of 1.01 ha (2.49 ac), and will contain the existing single detached dwelling, a storage barn/shed, a detached garage / shop and will be used for rural residential purposes.

G. Hough briefly reviewed the staff Planning Report. He indicated that the application is consistent with the 2005 Provincial Policy Statement (PPS). The application complies with the Official Plan policies.

J. Palmer questioned the existing solar panels on the subject property. In response, D. Roe explained that they will remain with the severed lot. Further, J. Palmer questioned whether the solar panel lines go to the house or to the road. In response, L. Wellink indicated that they go to the road.

A. Ypma stated that he concurred with the severance. He indicated that he had no concerns with the potential use of the properties in the future. He explained that he is the purchaser of the severed lot.

D. Roe stated that Mrs. Wellink would like to keep the existing silo situated on the lot to be retained, as it has a heritage feature and requested that Condition No. 2 be amended.

J. Palmer pointed out that in their comments, Township staff indicated that all buildings could be kept on the retained lot. He suggested that the silo will have no impact on the property.

After some discussion, it was decided that the silo could be kept with the retained lot.

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

*"That Condition No. 2 be amended to read as follows:*

*The owner make any modifications to the accessory buildings located on the lot to be retained to ensure that they will not be used for the housing of livestock, to the satisfaction of the Township Chief Building Official."*

CARRIED.

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

*'Granted'*

1. The lot to be retained be appropriately re-zoned.
2. The owner make any modifications to the accessory buildings located on the lot to be retained to ensure that they will not be used for the housing of livestock, to the satisfaction of the Township Chief Building Official.
3. 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 South-West Oxford.
4. 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 Sections 50(3) & (5) of the Planning Act, R.S.O., 1990, as amended, and be reflected on the certificate.
5. 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.

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.

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J. De Bruyn resumed the Chair.

On the motion of J. Palmer, the Committee meeting adjourned at 10:50 a.m.

*"John de Bruyn"*

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CHAIRPERSON