

MINUTES

OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, August 2, 2018

The Oxford County Land Division Committee met in the Council Chambers, County Administration Building, Woodstock, Ontario, on Thursday, August 2, 2018 at 9:00 a.m. with the following individuals:

Chair	-	B. George
	-	G. Brumby
	-	H. Elliott
	-	M. Hacon
	-	R. Jull
	-	T. Rock
	-	A. Tenhove
Senior Planner	-	R. Versteegen
Secretary	-	S. Buchanan

The meeting was called to order at 9:00 a.m.

DECLARATION OF CONFLICT OF INTEREST:

None.

APPROVAL OF MINUTES:

Correction of Chair from previous minutes. Corrected from Gord Brumby to Brian George

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

"The Minutes of the Meeting of July 5, 2018, be approved as amended."

CARRIED.

BUSINESS ARISING FROM MINUTES:

None.

GENERAL BUSINESS:

None.

CORRESPONDENCE:

None.

APPLICATIONS FOR CONSENT:

B18-33-6 – Patricia Gallantry (Part Lots 33 & 34, Block 104, Plan 279, Town of Ingersoll)

Denis Brolese was in attendance to present the application, to split a semi into two separate lots.

The purpose of the Application for Consent is to separate an existing semi-detached dwelling currently under construction. The lots to be severed and retained will each cover an area of approximately 362.4 m² (3,892 ft²) and will each contain a semi-detached dwelling unit.

R. Versteegen reviewed the staff Planning Report.

The surrounding land uses are predominately low density residential consisting of single-detached and semi-detached dwellings to the north and west. Industrial land uses are located to the immediate south.

Further, the application is consistent with the PPS and will provide an appropriate mix of housing types and densities to meet projected requirements of current and future residents. It is also in keeping with the Official Plan, which designates the lands 'Low Density Residential.' The proposal is consistent with street frontage, lot area, setbacks and spacing of existing development within the immediate residential area.

The lands are currently zoned 'Residential Zone 2 (R2)'. It is of note that the width of the Carnegie Street road allowance is 18 m (59 ft.). A variance was approved at the August 3, 2017 Land Division Committee meeting when the subject lands were previous severed via Consent File B17-20-6 (and Minor Variance File A17-04-6), that reduced the required setback from a Class 1 Industrial Use from 20 m to 18 m.

No comments or concerns were raised in relation to the application. Public Works has noted that both the lot to be severed and retained require both water and sanitary services to be installed and connected at the cost of the applicant.

Planning staff are of the opinion that the proposal is consistent with the policies of the PPS and in keeping with the intent of County Official Plan and as such, are satisfied that the application can be given favourable consideration, subject to the appropriate conditions.

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

'Granted'

CONDITIONS:

1. The owner shall agree, in writing, to satisfy all requirements, financial and otherwise, of the Town of Ingersoll, regarding the installation of services and drainage facilities.
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 lot to be severed and the lot to be retained have been complied with. This condition can be cleared by payment for the required services prior to the completion of the severance to the satisfaction of the County of Oxford Public Works.
3. The Clerk of the Town of Ingersoll advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Ingersoll 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 2014 Provincial Policy Statement.
2. The application for consent complies with the policies of the County of Oxford Official Plan.
3. The Land Division Committee did not receive any comments from the public respecting this application.

CARRIED.

B18-32-4; A18-01-4 – Craig & Liz Dorsman (Part Lot 12, Concession 3, Township of South-West Oxford, formerly Township of West Oxford)

Craig Dorsman was in attendance to present his application. He would like to create a new residential lot at the rear of his current property.

R. Versteegen reviewed the Planning Staff report.

The purpose of the Application for Consent is to create a residential lot in the rural cluster of Foldens. The lot to be severed will cover an area of approximately 0.36 ha (0.9 ac.) and is currently vacant. A single detached dwelling is proposed to be constructed. The lot to be retained will cover an area of approximately 0.28 ha (0.69 ac.) and contains an existing single detached dwelling and garage.

A variance has also been requested for the proposed lot to be severed. The requested relief is to reduce the minimum required frontage from 35 m (114.8 ft) to 8.5 m (28 ft). The relief is required due to the configuration of the subject lands and location of the existing dwelling, well and septic system. Both the proposed lot to be severed and lot to be retained meet all other provisions of the Township's Zoning By-law.

The parcel to be severed is vacant, with the easterly portion covered by woodland. The lot to be retained contains a single detached dwelling and accessory buildings. The lot to be severed is intended as a building lot for a single detached dwelling and the lot to be retained will continue to be used for single detached residential purposes.

Surrounding land uses are primarily rural residential, consisting of single-detached dwellings, with the exception of the lands to the northeast which are part of an environmentally protected woodland and wetland area.

The proposal is consistent with the Provincial Policy Statement (PPS), which states that settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted. It further states that it is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

The subject property is designated as a Settlement (Rural Cluster) according to the Land Use Plan for the Township of South-West Oxford in the County Official Plan. The Plan directs residential and other non-agricultural related development to rural settlements as a means of protecting agricultural lands and natural areas, avoiding scattered development and supporting the efficient delivery of municipal services.

The subject lands are currently zoned 'Rural Residential Zone (RR)' according to the Township Zoning By-law. The 'RR' zone permits a single detached dwelling and requires a minimum lot area of 2,800 m² (30,139 ft²), a minimum lot frontage of 35 m (114.8 ft), and a minimum lot depth of 80 m (262.5 ft). The zone also requires a minimum front yard depth of 10 m (32.8 ft), a minimum rear yard depth of 7.5 m (24.6 ft) and a minimum interior side yard width of 1.5 m (4.9 ft).

In light of the foregoing, it is the opinion of this Office that the proposal to create a rural residential lot is consistent with the policies of the Provincial Policy Statement and maintains the general intent and purpose of the County Official Plan and that the minor variance meets the four tests. As such, Planning staff are satisfied that the proposal can be supported from a planning perspective, subject to the recommended conditions.

R. Jull inquired if the large tree on the edge of the lane would remain. C. Dorsman responded that it would.

R. Jull asked what percentage of bush is located on the property. C. Dorsman replied less than half of the existing bush is located on the property and that sufficient area exists outside of the woodlot to build a house, septic system and well.

Moved: T. Rock
Seconded: H. Elliott

'Granted'

B18-32-4

CONDITIONS:

1. If required, a road widening to 13 m (42.6 ft) from the center line of Sweaburg Road along the frontage of the lot to be severed and the lot to be retained be dedicated to the County of Oxford, free of all costs and encumbrances, to the satisfaction of the County Director of Public Works.
2. If required, the owners provide Proof of Probability of Potable Water, to the satisfaction of the Oxford County Public Works Department.

3. The Clerk of the Township of South-West Oxford advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Township 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 2014 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.
4. The Land Division Committee did not receive any comments from the public respecting this application.

A18-01-4

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.

B18-26-3; A18-02-3 – Sunrise Equipment Auctions Inc. (Part Lots 26-28, Concession 5, Township of Norwich, formerly Township of North Norwich)

James Morgan, the solicitor for the owner was in attendance to present the application. His client is requesting a severance and minor variance to separate lots that were previously separate.

The proposed consent application has been requested to facilitate a technical severance, whereby the applicant is proposing to sever a parcel of land that was formerly two separate parcels, but has since become consolidated. The lot to be severed will be approximately 54.4 ha (134.4 ac) in area, with approximately 79 m (259.2 ft) of frontage on Zenda Line and is currently vacant. The lot to be retained will be approximately 44.03 ha (108.8 ac) in area, with approximately 532.6 m (1,747.4 ft) of frontage along Norwich Road. A single detached dwelling and three farm buildings are currently located on the lot to be retained. Both parcels will continue to be used for agricultural purposes.

An application for minor variance has also been received to recognize the frontage of the lot to be severed which, at approximately 79 m (259.2 ft), does not meet the minimum lot frontage requirement of the Township Zoning By-law.

R. Versteegen briefly reviewed the Planning staff report.

The policies of Section 2.3 of the Provincial Policy Statement (PPS) require municipalities to protect prime agricultural areas for long-term production. Permitted uses in prime agricultural areas include agriculture, agriculture-related uses and on-farm diversified uses. New land uses, including the creation of new lots, shall comply with the minimum distance separation formulae.

The subject property is located within the Agricultural Reserve designation according to the County Official Plan. In the Agricultural Reserve designation, lands are to be developed for a wide variety of agricultural land uses, including general farming, animal or poultry operations, regulated livestock farms, cash crop farms and specialty crop farms together with farm buildings and structures necessary to the farming operation as well as accessory residential uses required for the farm.

Finally, Planning staff are satisfied that the resulting area and configuration of the lot to be severed will ensure there is sufficient space to accommodate the installation of private water and wastewater services and provide adequate parking.

In light of the foregoing, it is the opinion of this Office that the proposal to create an agricultural lot is consistent with the policies of the Provincial Policy Statement and maintains the general intent and purpose of the County Official Plan and that the minor variance meets the four tests. As such, Planning staff are satisfied that the proposal can be supported from a planning perspective, subject to the recommended conditions.

J. Morgan stated that neither he nor the owner have any concerns with the proposed conditions of severance.

Moved: T. Rock
Seconded M. Hacon

'Granted'

B18-26-3

CONDITIONS:

1. If required, a road widening to 5.5 m (18 ft) from the centreline of Norwich Road along the frontage of the lot to be retained be dedicated to the County of Oxford, free of all costs and encumbrances, to the satisfaction of the County Director of Public Works.
2. If required, the owner enter into a standard Severance Agreement with the Township of Norwich, to the satisfaction of the Township.
3. 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.
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 2014 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.
4. The Land Division Committee did not receive any comments from the public respecting this application.

A18-02-3

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.

V18-02-7 – Mister Autowash Inc. (Lot 416, Judge's Plan 500, Town of Tillsonburg)

Richard Coad, solicitor for the owner, was in attendance to present the application. His clients are seeking validation of title for a lot that was created outside of the usual severance requirements.

A validation of title is not a substitute for the normal consent process and as such, an application made under the validation section of the Planning Act must be considered with a view to conformity with the relevant policies of the Official Plan and the Zoning By-law.

The proposal is consistent with the Provincial Policy Statement (PPS), specifically Section 1.1.3.1 which states that Settlement Areas will be the focus of growth and their vitality and regeneration shall be promoted.

The subject lot and use are also in keeping with the Official Plan, as they are designated 'Service Commercial'. Areas designated for Service Commercial use are intended to provide for a broad range of commercial uses that, for the most part, are not suited to locations within the Central Area because of their site area, access or exposure requirements or due to incompatibility or land use conflicts with residential development.

The subject property is currently zoned "Service Commercial Holding Zone (SC-H)", according to the Town of Tillsonburg Zoning By-law.

Permitted interim uses include existing uses, buildings and structures as they legally existed at the date of adoption of the Zoning By-Law (April 2008).

The subject property appears to meet the provisions of SC zone with respect to use, as well as lot area, frontage and depth. The existing building does not meet the required 7.5 m (24.6 ft) rear yard depth, however given the age of the existing building (1969), the location of the existing building is considered to be legal non-complying and no further development is proposed at this time.

Although there is no circulation requirement for an Application for Validation of Title, the request was sent to the Town of Tillsonburg staff for review and Town staff have indicated that they have no concerns.

In light of the foregoing, this office is satisfied that the request meets the relevant criteria in the Planning Act for consideration of a validation of title and could be given favourable consideration by the Committee.

B. George requested some clarification of the red and blue boxes noted on Plate 1 of the staff Report. R. Versteegen replied that the red box is the title to be validated, and the blue box shows the adjoining property.

G. Brumby questioned whether it was a known fact that contamination was contained on the property.

R. Versteegen confirmed that there was contamination on the site due to the previous use being a gas station.

Moved: A. Tenhove
Seconded: H. Elliott

'Granted'

CONDITION:

1. 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.

REASONS:

1. The application for validation of title is consistent with the 2014 Provincial Policy Statement (2014 Provincial Policy Statement).
2. The application for validation of title complies with the policies of the Oxford County Official Plan.
3. The subject property is appropriately zoned.

CARRIED.

GENERAL COMMENT:

The Chair noted that the maps/plates would be more useful if they could be zoomed farther out, to include 3-4 street views, to assist members with property location. R. Versteegen agreed, and also noted that it is useful when comparing lot size and fabric of surrounding areas. R. Versteegen said he would make mention of the Chair's comments to Planning staff.

On the motion of M. Hacon, the Committee meeting adjourned at 9:42 a.m.

"Brian George"

CHAIRMAN