

## MINUTES

### OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, June 7, 2018

The Oxford County Land Division Committee met in the Council Chambers, County Administration Building, Woodstock, Ontario, on Thursday, June 7, 2018 at 9:00 a.m. with the following individuals:

- G. Brumby
  - B. George
  - M. Hacon
  - R. Jull
  - T. Rock
  - A. Tenhove
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- Senior Planner - R. Versteegen
  - Secretary-Treasurer - L. Taschner

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

#### DECLARATION OF CONFLICT OF INTEREST:

None.

#### APPROVAL OF MINUTES:

Moved by: T. Rock  
Seconded by: A. Tenhove

*"The Minutes of the Meeting of May 3, 2018, be approved as printed and circulated."*

CARRIED.

#### BUSINESS ARISING FROM MINUTES:

None.

#### GENERAL BUSINESS:

T. Rock spoke on the OACA conference he recently attended in Niagara Falls. He indicated he was impressed with the workshop topics that were available.

M. Hacon also stated that the Conference was well attended. He suggested that after the municipal election and appointment of the Land Division Committee for the next four-year term, it would be good have a session on the rules of natural justice.

L. Taschner spoke on the OACA conference she recently attended in Niagara Falls. She indicated that, she too, enjoyed the workshops, and that some of them very timely with what she is working on at the present.

#### CORRESPONDENCE:

Correspondence dated June 6, 2018 was received from the Township of East Zorra-Tavistock regarding Application B18-20-2 & B18-21-2 (Schumhaven Farms Ltd. & Russell Schumm).

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APPLICATIONS FOR CONSENT:

B18-17-1 – 1413164 Ontario Inc. (Part Lot 8, Concession 1, Township of Blandford-Blenheim, formerly Township of Blenheim)

Daryl Mahon was in attendance to present the application and requested a severance of his property.

The purpose of the Application for Consent is for an agricultural lot addition. The lot to be severed comprises approximately 40 ha (99 ac), is in agricultural production (cash crop), vacant of any buildings or structures, and is to be added to the agricultural parcel to the immediate west. The lot to be enlarged comprises approximately 60.7 ha (150 ac), is in agricultural production (cash crop), and contains an existing detached garage, silo and accessory farm dwelling. The lot to be retained comprises approximately 0.5 ha (1.4 ac), contains an existing single detached dwelling and will be used for rural residential purposes

R. Versteegen briefly reviewed the staff Planning Report. He explained that the severance is for a farm consolidation resulting in a non-farm rural residential lot. The severed lands are currently vacant and will be added to agricultural lands, while the retained lot consists of an existing single detached dwelling. He indicated that the applicant was previously before the Committee with an application in December 2017 at which time he was granted the creation of a farm lot that had previously inadvertently merged in title. The application is consistent with the 2014 Provincial Policy Statement and complies with the County Official Plan. A re-zoning will be necessary to recognize the proposed rural residential use of the retained lot. A total of +8 points were accumulated as a result of reviewing the Point System for proposals that involve the creation of a non-farm rural residential lot. It is Planning staffs opinion that the application addresses the policies of the Official Plan. No comments or concerns were received during the agency circulation or the public notification to the neighbours.

T. Rock questioned why the Committee would not have dealt with the RR at the time of the first severance. In response, R. Versteegen pointed out that the retained lot was not considered by the initial application as it would have represented the creation of a non-farm rural residential lot without the benefit of a farm consolidation. In that circumstance the proposal would have been contrary to both Provincial and County Official Plan policy.

R. Versteegen explained the boundaries of the severed and retained lot to the Committee members.

Moved by: M. Hacon  
Seconded by: A. Tenhove

*'Granted'*

CONDITIONS:

1. The lot to be retained be appropriately 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. If required, the owners shall enter into a standard Severance Agreement with the Township of Blandford-Blenheim, to the satisfaction of the Township of Blandford-Blenheim.
4. 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 Blandford-Blenheim.

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5. 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.
  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 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.

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B16-62-3; A16-13-3 – Nicole Couwenberg, Darren & Darryl Warboys (Part Lots 11 & 12, Concession 8, Township of Norwich, formerly Township of East Oxford)

Darryl Warboys & Nicole Couwenberg, owners of the property, together with their solicitor, Jo-Ann Hanson, were in attendance. J. Hanson presented the application to the Committee. She indicated that the owners have requested a severance of an agricultural lot.

The purpose of the Application for Consent is to create a vacant agricultural lot. The lot to be severed comprises approximately 42.1 ha (104 ac), is currently in agricultural production (cash crop), and contains no buildings or structures. The lot to be retained comprises approximately 42.1 ha (104 ac), is in agricultural production (cash crop), and is occupied by an existing bank barn, driveshed, shed and two accessory farm dwellings.

Relief is also required from Section 7.2.5 (Number of Accessory Dwellings and Garden Suites) of the Township of Norwich Zoning By-law No. 07-2003-Z to recognize the second accessory farm dwelling on the lot to be retained.

R. Versteegen briefly reviewed the staff Planning Report. He explained that minor variance has also been submitted with the severance to recognize the two accessory dwellings on the retained lot. Both the severed and retained lot will cover an area of approximately 104 acres. The severed lot is vacant, while the lot to be retained consists of cattle operation, and two accessory single detached dwellings. The application is consistent with the Provincial Policy Statement, complies with the Official Plan policies, and meets the four tests of the minor variance. Family members live in the two dwellings on the retained lot. No concerns were raised as a result of the agency circulation or the public notification to the neighbours. Planning staff supports the severance and minor variance.

J. Hanson stated that she and her clients concur with the findings and suggested conditions of the staff Planning Report.

In response to G. Brumby, R. Versteegen stated that there is access to the east and west of the waterway which traverses the property.

In response to T. Rock, R. Versteegen stated that there is no mechanism to ensure that family members will continue to reside in the two residences.

B16-63-3

Moved by: R. Jull  
Seconded by: A. Tenhove

*'Granted'*

B16-62-3

CONDITIONS:

1. 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.
2. 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.
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 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.

A16-13-3

Moved by: R. Jull  
Seconded by: A. Tenhove

*'Granted'*

REASONS:

1. The variance requested is a minor variance from the provisions of the Township of Norwich Zoning By-law No.07-2003-Z.
2. The variance requested is desirable for the appropriate development or use of the land, building or structure.
3. The variance requested is in keeping with the general intent and purpose of the County of Oxford Official Plan.
4. The variance requested is in keeping with the general intent and purpose of the Township of Norwich Zoning By-law No.07-2003-Z.

CARRIED.

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D. Brolese was in attendance to present the application. He briefly explained the application and pointed out to the Committee that approximately one year ago the lot which the owners are currently severing was created by severance. They now wish to split the existing semi-detached dwelling into two units.

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 362.3 m<sup>2</sup> (3,892 ft<sup>2</sup>) and will contain a semi-detached dwelling unit.

R. Versteegen briefly reviewed the staff Planning Report and indicated that the application is to split an existing semi-detached dwelling into two separate units. The application is consistent with the Provincial Policy Statement, complies with the Official Plan policies and conforms to the Town of Ingersoll Zoning By-law. He explained that a variance was approved at the August 3, 2017 Land Division Committee meeting when the subject lands were previously severed via B17-20-6; A17-04-6 to grant a 2-metre reduction in the setback of the lot line of the residential lot to the industrial lot on the opposite side of Carnegie Street.

T. Rock suggested it was presumptuous of the owner to build the semi-detached dwelling and then request that the lot be created. R. Versteegen stated that it is not unusual for lots consisting of semi-detached dwellings to request a severance of the lot after the foundations are in to prevent improper property lines being created and confirmed that this is the preferred approach to severing a semi-detached dwelling.

D. Brolese stated that it is cleaner to have the foundations in the ground and then survey the lots to ensure property lines are in accordance with the Zoning By-law.

Moved by: M. Hacon  
Seconded by: A. Tenhove

*'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 Clerk of the Town of Ingersoll advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town, financial, services and otherwise, have been complied with.
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 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.

CARRIED.

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B18-22-8 – Tigercat International Inc. (Part Lots 13 & 14, Concession 1, City of Woodstock  
formerly Township of Blandford)

J. Schurink was in attendance to present the application and explained that the applicant is adding a parcel of land to the existing Woodstock Ford property.

The Application for Consent proposes a commercial/industrial lot addition, for the purpose of providing additional parking for the existing motor vehicle dealership on the lands to be enlarged. The lot to be severed comprises approximately 1.4 ha (3.7 ac) and is currently vacant of any buildings or structures. The lot to be severed is proposed to be added to the lands to the immediate south, comprising approximately 0.9 ha (2.3 ac) and containing an existing Ford motor vehicle dealership. The lot to be retained comprises approximately 8.9 ha (22.2 ac) and is currently occupied by several industrial buildings associated with Tigercat International.

R. Versteegen briefly reviewed the staff Planning Report. He explained that the severance proposes a commercial lot addition. There is a mix of uses in the area consisting of residential, commercial and industrial. The application is consistent with the Provincial Policy Statement and complies with the Official Plan policies. The expansion of the Woodstock Ford will require a zone change from a Commercial Zone to M3 Zone. A motor vehicle dealership is not permitted within the M3 as per the 2010 Zoning By-law; however, the dealership is considered legal non-conforming, and will require a rezoning.

J. Schurink stated that he and his clients concur with the suggested conditions and the recommendation of the staff Planning Report.

M. Hacon questioned the legal non-conforming designation will disappear? In response, R. Versteegen stated that it will become legal conforming through the approval of the zone change.

T. Rock stated that he did not see the sign posted on the property. The remaining members stated that they did see it when they attended to do their site inspection.

In response to R. Jull, J. Schurink stated that there are no crops behind the property. R. Versteegen stated that there are trees and the potential retention of significant vegetation will be considered through the Site Plan Control process by the City of Woodstock.

Moved by: A. Tenhove  
Seconded by: T. Rock

*'Granted'*

CONDITIONS:

1. The lots to be severed and enlarged be appropriately zoned.
2. The parcel intended to be severed be conveyed to the abutting landowner to the immediate south 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 Owner shall provide confirmation of the location of any existing overhead or underground services installed to the retained and enlarged lots. Services cannot traverse the adjoining lots and any conflicts must be re-directed or an easement created. Any proposed easements shall be reviewed by the City of Woodstock.
4. The Owner shall submit a recent survey to confirm lot sizes and building setbacks to the satisfaction of the City of Woodstock.
5. 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.

6. If required, a 0.3 m (1 ft) x 0.3 m (1 ft) parcel of land from the lot to be enlarged (PIN 00110 1136) be deeded to the County of Oxford, free of any encumbrances and costs, and a copy of the registered deed be presented to the Secretary-Treasurer of the Land Division Committee prior to the stamping of the deed for Application B18-22-8.
7. 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.
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 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.

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B18-20-2 & B18-21-2 – Schumhaven Farms Ltd. & Russell Schumm (Part Lot 34, Concession 16, Township of East Zorra-Tavistock, formerly Township of East Zorra)

Russell Schumm was in attendance to present his application.

The purpose of the Applications for consent is for two lot additions. The lot to be severed by B18-20-2 covers an area of 0.24 ha (0.59 ac) and consists of vacant agricultural land. The lot to be severed will be added to the adjacent rural residential lot to the immediate south which covers an area of approximately 0.165 ha (0.41 ac) and contains an existing single detached dwelling and shed. The lot to be enlarged has less lot area than the currently accepted standard to support private services (well and septic) and, if the severance is approved, the resulting lot area would be 0.4 ha (1.0 ac).

The lot to be severed by B18-21-2 covers an area of approximately 0.61 ha (1.5 ac) and consists of vacant agricultural land. The lot to be severed will be added to the adjacent institutional lot to the immediate west. The institutional lot to be enlarged comprises approximately 0.7 ha (1.7 ac) and contains the East Zorra Mennonite Church. The East Zorra Mennonite Church has indicated that the additional lands are required for upgrades to the sewage disposal system.

The lot to be retained will cover an area of approximately 21.5 ha (53 ac), contains an existing single detached dwelling and a barn (barn to be removed), and is in agricultural production.

R. Versteegen briefly reviewed the staff Planning Report. He explained that the owners wish to sever to parcels of land and to add them to adjoining properties. One parcel is to be added to the residential lot to the south to accommodate a septic system issue, while the second lot is to be added to the institutional lot to the west which consists of an existing church to provide additional lands for a septic system. Both applications are consistent with the Provincial Policy Statement, and comply with the Official Plan policies. Both lots to be severed, retained and enlarged will require rezoning to recognize the proposed uses of the severed and enlarged lots, and the lot area of the retained lot. Correspondence received June 6, 2018 from the Township of East Zorra-Tavistock states that Township Council has no objection to either severance.

R. Schumm stated that he concurs with the suggested conditions and the recommendation of the staff Planning Report.

B. George questioned why the abutting cemetery lands are not part of the severance? In response, R. Schumm stated that only a few churches actually own the cemetery and church together. In this case, they are separate.

T. Rock noted that he did not see the Public Notice sign on the property. R. Schumm explained that it was posted just north of the severed lot. The remaining members concurred that they did see the sign.

B18-20-2

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

*'Granted'*

CONDITIONS:

1. The lots to be severed, retained and enlarged be appropriately zoned.
2. The parcel intended to be severed be conveyed to the abutting landowner to the immediate south 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. If required, a drainage 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 East Zorra-Tavistock.
4. If required, the owner shall enter into a standard Severance Agreement with the Township of East Zorra-Tavistock, to the satisfaction of the Township of East Zorra-Tavistock.
5. 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.
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 2014 Provincial Policy Statement.
2. The application for consent complies with the policies of the County of Oxford Official Plan.
3. Comments received from the public were reviewed, and where appropriate, were considered in the Land Division Committee's decision to approve the application.

CARRIED.

B18-21-2

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

*'Granted'*

CONDITIONS:

1. The lots to be severed and retained be appropriately zoned.
2. The parcel intended to be severed be conveyed to the abutting landowner to the immediate southwest 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. If required, a drainage 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 East Zorra-Tavistock.
4. If required, the owner shall enter into a standard Severance Agreement with the Township of East Zorra-Tavistock, to the satisfaction of the Township of East Zorra-Tavistock.
5. 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.
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 2014 Provincial Policy Statement.
2. The application for consent complies with the policies of the County of Oxford Official Plan.
3. Comments received from the public were reviewed, and where appropriate, were considered in the Land Division Committee's decision to approve the application.

CARRIED.

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On the motion of A. Tenhove, the Committee meeting adjourned at 10:50 a.m.

"Brian George"  
CHAIRMAN