

MINUTES

OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, April 4, 2019

The Oxford County Land Division Committee met in the Council Chambers, County Administration Building, Woodstock, Ontario, on Thursday, April 4, 2019 at 9:00 a.m. with the following individuals:

	-	G. Brumby
	-	M. Hacon
	-	R. Jull
	-	J. Lessif - absent
	-	P. Rigby - absent
	-	A. Tenhove
	-	C. van Haastert
Senior Planner	-	R. Versteegen
Secretary-Treasurer	-	L. Taschner

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

DECLARATIONS OF CONFLICT OF INTEREST:

None.

APPROVAL OF MINUTES:

Moved by: M. Hacon
Seconded by: R. Jull

"The Minutes of the Meeting of March 7, 2019, be approved as printed and circulated."

CARRIED.

BUSINESS ARISING FROM MINUTES:

None.

GENERAL BUSINESS:

The Secretary-Treasurer spoke on the OACA Conference. The Committee discussed the upcoming regionalization of governments. Committee members stated that they could not see the justification in creating more duplication.

CORRESPONDENCE:

Correspondence dated April 3, 2019 was received from the Clerk of the Township of East Zorra-Tavistock regarding Application B19-12-2 (Oxford Builders Inc.).

APPLICATIONS FOR CONSENT:

B19-04-8; A19-02-8 – Patrick & Arley Hodgins (Lot 9, n/s Queen Street, Block B, Plan 52, City of Woodstock)

Arley Hodgins was in attendance to speak to the Committee. She briefly explained the application to the Committee and indicated that a minor variance has also been requested with the severance to reduce the interior side yard on the retained lot.

The purpose of the Application for Consent is to create a new residential building lot. The lot to be severed comprises approximately 355 m² (3,821 ft²), and is currently vacant, while the lot to be retained comprises approximately 358 m² (3,853.6 ft²) and contains an existing single-detached dwelling house and small garden shed. A single-detached dwelling house is proposed to be constructed on the lot to be severed. The owner has also applied for a Partial Discharge of Mortgage.

A minor variance is requested to reduce the minimum interior side yard on the lot to be retained to 1.45 m (4.76 ft.) from the required 3.0 m (9.84 ft.) in the City of Woodstock Zoning By-law No. 8626-10.

R. Versteegen reviewed the staff Report. He pointed out that the surrounding uses are residential. The proposal is consistent with the Provincial Policy Statement (PPS), complies with the Oxford County Official Plan and conforms to the Woodstock Zoning By-law. No concerns were raised as a result of the agency circulation for comments and no comments were received from neighbours resulting from the public notice to the neighbours. He indicated that the City requires an easement for sanitary sewer purposes. Planning staff are in support of the application and recommends approval of the application.

A. Hodgins stated that she concurred with the findings and suggested conditions of the staff Planning Report.

In response to G. Brumby, R. Versteegen stated that there were sufficient parking spaces on the retained lot.

B19-04-8

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

"Granted"

CONDITIONS:

1. The owner provides confirmation of the location of any existing overhead or underground services installed to the retained and severed 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.
2. 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.
3. The owner shall submit a recent survey to confirm lot sizes to the satisfaction of the City of Woodstock.
4. 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. The Agreement will be registered on title by the owner.
5. The owner shall establish an easement over the sanitary sewer, in favour of the County of Oxford, which traverses the lot to be severed and the lot to be retained. This arrangement shall be formalized by the owner and the County by entering into an easement agreement. All costs required to satisfy this condition shall be the responsibility of the owner, at no cost to the County and/or the City.
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 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.

A19-02-8

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

"Granted"

REASONS:

1. The variance requested is a minor variance from the provisions of the City of Woodstock Zoning By-law No. 8626-10.
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 City of Woodstock Zoning By-law No. 8626-10.

CARRIED.

B18-82-7 – Larry & Bonnie Phillips (Lot 9 Plan M-74, Town of Tillsonburg)

No one was present to speak to the application.

The purpose of the application is for a residential lot addition. The lot to be severed will cover an area of approximately 231 sq. m (2,486 sq. ft.), contains no buildings or structures and is to be added to the lot to the immediate south. The lot to be enlarged covers an area of approximately 2,138.45 sq. m (23,018.8 sq. ft.) and contains an existing single-detached dwelling. The lot to be retained will cover an area of approximately 1055.5 sq. m (11,361 sq. ft.), and contains an existing single-detached dwelling.

R. Versteegen reviewed the staff Report. He indicated that the proposal is consistent with the Provincial Policy Statement (PPS), complies with the Oxford County Official Plan and conforms to the Tillsonburg Zoning By-law. No concerns were raised as a result of the agency circulation for comments and no comments were received from neighbours resulting from the public notice to the neighbours. Planning staff are in support of the application and recommends approval of the application.

R. Versteegen confirmed to the Committee that they are not permitted to go onto the property. He further explained that a previous severance in 1980 was approved by the Committee at that time, however, consent was not completed, as the application lapsed.

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

"Granted"

CONDITIONS:

1. 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.
2. A 0.3 m (1 ft.) x 0.3 m (1 ft.) parcel of land from the lot to be enlarged (PIN 00041-0385) be deeded to the Town of Tillsonburg, 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 issuance of the certificate for Application B18-82-7.
3. The Owner shall submit an updated survey to confirm lot sizes and building setbacks for the lot to be retained and the lot to be enlarged, to the satisfaction of the Town of Tillsonburg Chief Building Official.
4. The Clerk of the Town of Tillsonburg advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Tillsonburg 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 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.

B18-90-7; A18-13-7 – St. Paul's United Church, Tillsonburg, a Congregation of the United Church of Canada) (Lots 888-890, Plan 500, Town of Tillsonburg)

David Morris, was in attendance on behalf of the owner, to present the application. He indicated that the first floor of the former manse is currently being used for commercial purposes as a restaurant. The prospective purchaser proposes to renovate the second and third floors for residential purposes.

The purpose of the Application for Consent is to create a commercial lot. The lot to be severed will be approximately 716.3 sq. m (2 (7,710.2 sq. ft) in size, with approximately 21.75 m (71.4 ft) of frontage on Ridout Street West, and contains an existing commercial building (a restaurant), which was formerly utilized as the Church Manse. The lot to be retained will be approximately

2,411.7 sq. m (29,959.3 sq. ft) in size, with approximately 26.23 m (86.1 ft) of frontage on Ridout Street West, and contains the existing St. Paul's United Church.

The purpose of the Application for Consent is to create a commercial lot. The lot to be severed will be approximately 716.3 sq. m (2 (7,710.2 sq. ft) in size, with approximately 21.75 m (71.4 ft) of frontage on Ridout Street West, and contains an existing commercial building (a restaurant), which was formerly utilized as the Church Manse. The lot to be retained will be approximately 2,411.7 sq. m (29,959.3 sq. ft) in size, with approximately 26.23 m (86.1 ft) of frontage on Ridout Street West, and contains the existing St. Paul's United Church.

R. Versteegen reviewed the staff Report. He indicated that a zone change was recently approved by the Town to rezone the retained lot from institutional to commercial permit the manse to be used as a single detached dwelling as well as being used for commercial purposes. He noted that the former manse is designated under the Ontario Heritage Act as a building with historical significance. The proposal is consistent with the Provincial Policy Statement (PPS), complies with the Oxford County Official Plan and conforms to the Tillsonburg Zoning By-law as approved by Town Council. No concerns were raised as a result of the agency circulation for comments and no comments were received from neighbours resulting from the public notice to the neighbours. Planning staff are in support of the application and recommends approval of the application.

D. Morris stated that he concurred with the findings and suggested conditions in the staff Planning Report.

M. Hacon suggested that a residential zone would be more appropriate. D. Morris indicated that the purchaser wishes to continue the first floor to be used for the restaurant.

A discussion ensued regarding parking for the restaurant. E. Gilbert, Senior Planner, explained that there is existing parking at the municipal lot at 92 Bidwell Street. D. Morris indicated that the Town has an established parking agreement in place. If the restaurant ceases, the ground floor use will go back to residential.

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

"Granted"

B18-90-7

CONDITIONS:

1. If required, the owner enter into a standard Severance Agreement with the Town of Tillsonburg, to the satisfaction of the Town.
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 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.

A18-13-7

REASONS:

1. The variance requested is a minor variance from the provisions of the Town of Tillsonburg Zoning By-law No. 3295.
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 Town of Tillsonburg Zoning By-law No. 3295.

CARRIED.

B19-01-8 – Timothy Ede & Hannah Luxford (Lot 1, Plan M-3, City of Woodstock)

Timothy Ede, together with Arnold Spina, 34 Blackfoot Place, Woodstock ON N4T 1E2, were in attendance. A. Spina explained the application.

The Application for Consent proposes a residential lot addition. The lot to be severed comprises approximately 1,309.9 sq. m (14,100 sq. ft) and is currently vacant of any buildings or structures. The lot to be severed is proposed to be added to the lot to the immediate north, comprising approximately 1,629.9 sq. m (17,545 sq. ft) and currently vacant of any buildings/structures. The lot to be retained comprises approximately 557.4 sq. m (6,000 sq. ft.) and contains an existing single detached dwelling. The owners have also applied for a partial discharge of mortgage.

R. Versteegen reviewed the staff Report. He indicated that the application is for a residential lot addition. The proposal is consistent with the Provincial Policy Statement (PPS), complies with the Oxford County Official Plan and conforms to the Woodstock Zoning By-law. No concerns were raised as a result of the agency circulation for comments and no comments were received from neighbours resulting from the public notice to the neighbours. Planning staff are in support of the application and recommends approval of the application. He noted that a previous severance in 2007 created a residential building lot.

A. Spina indicated that both he and the owner concurred with the findings and suggested conditions in the staff Planning Report.

A question was raised as to why a condition was imposed requiring the owner to construct the residence at the southeast corner of the lot. R. Versteegen noted that it would not jeopardize development of the rear portion of the subject lands.

In response to R. Jull, R. Versteegen pointed out that the water and sewer connections are located on the enlarged lot.

R. Versteegen explained there is future potential for residential development at the rear of the lots fronting onto Robinson Street and Finkle Street if Albert Street was extended through Robinson Street to Finkle Street.

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

"Granted"

CONDITIONS:

1. The lots to be severed and enlarged be appropriately zoned to stipulate the location of a future dwelling.
2. 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 Section 50 (3) & (5) of the Planning Act, R.S.O., 1990, as amended, and be reflected on the certificate.
3. The Owners 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 Owners shall submit a recent survey to confirm lot sizes and building setbacks, to the satisfaction of the City of Woodstock.
5. The Owners 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. The Owners' shall submit a site/grading plan showing site services, proposed building locations and grading for the future development prepared by a professional engineer or Ontario Land surveyor, to the satisfaction of the City of Woodstock.
7. If required, a 0.3 m (1 ft) x 0.3 m (1 ft) parcel of land from the lot to be enlarged (PIN 00096-0349) be deeded to the City of Woodstock, free of any encumbrances and costs, and a copy of the registered Transfer be presented to the Secretary-Treasurer of the Land Division Committee prior to the issuance of the certificate for Application B19-01-8.
8. 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.
9. 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.

B19-03-1; A19-01-1 – Mike & Cathy McGrath (Part Lot 24, Conc. 10, Township of Blandford-Blenheim, formerly Township of Blenheim)

Mike McGrath was in attendance to present the application. He stated that he is seeking a severance.

The purpose of the Application for Consent is to create a new residential building lot in the Village of Bright. The lot to be severed comprises approximately 2,800 m² (30,140 ft²), while the lot to be retained comprises approximately 2,985 m² (32,130 ft²). A single detached dwelling is currently located on the lot to be retained, and the existing barn that is partially located on both lots is proposed to be removed.

The applicants have also applied to permit a legal right-of-way over the lot to be severed, in favor of the lot to be retained, for the access purposes. The proposed easement will be 7.6 m (25 ft) wide by 26.4 m (86.8 ft) in length, and will cover the area that is currently occupied by the existing driveway on the lot to be severed.

Relief is requested from Section 11.2 – Zone Provisions, of the Township of Blandford-Blenheim Zoning By-law No. 1360-2002 to reduce the minimum required lot frontage of the lot to be retained from 35 m (114.8 ft) to 14 m (45.9 ft) and the lot to be severed to 7.5 m (24.6 ft).

R. Versteegen reviewed the staff Report. He indicated that the application is for the creation of an infill lot. A minor variance is requested to vary the lot frontages of the severed and retained lots. A permanent easement has also been requested for access over the severed lot in favour of the retained lot. The accessory barn on the severed lot is to be removed. The proposal is consistent with the Provincial Policy Statement (PPS), complies with the Oxford County Official Plan and conforms to the Blandford-Blenheim Zoning By-law. No concerns were raised as a result of the agency circulation for comments and no comments were received from neighbours resulting from the public notice to the neighbours. The requested minor variance meets the four tests. Planning staff are in support of the application and recommends approval of the application.

M. McGrath stated he concurred with the findings and suggested conditions of the staff Planning Report. He confirmed that the water comes from Wilson Street.

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

"Granted"

B19-03-1

CONDITIONS:

1. 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.
2. 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.
3. If required, the Owners shall submit a recent survey to confirm lot sizes, building setbacks and the location of existing services (well and septic system), to the satisfaction of the Township of Blandford-Blenheim.
4. The County Public Works Department shall advise the Secretary-Treasurer of the County Land Division Committee that all financial requirements of the County with respect to provision of water 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 or entering into a severance agreement with the Township of Blandford-Blenheim. In order to clear this condition, a copy of the draft Severance Agreement must be provided to the satisfaction of the County Public Works Department.
5. If required, an Easement Agreement for the shared access shall be established over the lot to be severed in favour of the lot to be retained, to the satisfaction of the Township of Blandford-Blenheim. A draft copy of the Easement Agreement shall be provided to the Township of Blandford-Blenheim and the Secretary-Treasurer of the Land Division Committee, prior to registration. The Owners shall provide a written Undertaking that the Easement Agreement shall be registered on title.

6. If required, an Easement Agreement for maintenance and access to the municipal water service shall be established over the lot to be severed in favour of the lot to be retained. This may be provided in the easement agreement for the proposed shared access. A draft copy of the Easement Agreement shall be provided to the County of Oxford Public Works Department and the Secretary-Treasurer of the Land Division Committee prior to registration. A copy of the registered Easement shall be provided to the Secretary-Treasurer of the Land Division Committee. The Owner shall provide a written Undertaking that the Easement Agreement shall be registered on title immediately following registration of the transfer of land.
7. 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.
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 subject property is appropriately zoned.
4. The Land Division Committee did not receive any comments from the public respecting this application.

A19-01-1

REASONS:

1. The variance requested is a minor variance from the provisions of the Township of Blandford-Blenheim Zoning By-law No. 1360-2002.
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 Township of Blandford-Blenheim Zoning By-law No. 1360-2002.

CARRIED.

B18-65-7 – Regine Ross (Part Lot 8, Conc. 12, Town of Tillsonburg, formerly Township of Dereham)

Stephen & Sibylle DiLella, the applicants, were in attendance to present the application.

The purpose of the Application for Consent is to facilitate a rear yard lot addition to an existing residential parcel, located 147 Concession Street West. The lot to be severed will cover an area of approximately 1,214.32 sq. m (13,071.26 sq. ft) and will be added to the abutting residential

lot to the immediate north. The lot to be severed is vacant of any buildings, but does contain the existing septic system serving the dwelling on the lot to be enlarged. The lot to be enlarged is approximately 1,860 sq. m (20,021.5 sq. ft) in size and contains an existing single detached dwelling. The lot to be retained is approximately 2.98 ha (7.36 ac) in size, and contains an existing single detached dwelling and accessory building, as well as a private well and septic system.

R. Versteegen reviewed the staff Report. He indicated that the application will correct an encroachment of the septic system to ensure that it is wholly on the lot to be enlarged. The proposal is consistent with the Provincial Policy Statement (PPS), complies with the Oxford County Official Plan and conforms to the Tillsonburg Zoning By-law. No concerns were raised as a result of the agency circulation for comments and no comments were received from neighbours resulting from the public notice to the neighbours. He noted that currently the retained and enlarged lots are not on municipal services. There is a mix of lot sizes and densities. He explained that the County Public Works Department highlighted in their comments that municipal services are proposed in 2019. Planning staff are in support of the application and recommends approval of the application.

The applicants indicated that they concurred with the findings and suggested conditions of the staff Planning Report.

G. Brumby questioned the reason for the lot configuration. In response, the applicants indicated that their gardens extend in those lands to Quarter Line and that the area is entirely fenced and functions as their property.

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

"Granted"

CONDITIONS:

1. The lot to be severed be appropriately zoned.
2. 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 Section 50 (3) & (5) of the Planning Act, R.S.O., 1990, as amended, and be reflected on the certificate.
3. The Clerk of the Town of Tillsonburg advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Tillsonburg 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.

B19-05-3; A19-03-3 – Kyle & Jenilee Avey (Part Lot 7, Conc. 7, Township of Norwich, formerly Township of South Norwich)

Kyle Jenilee Avey, together with their agent, David Raithby, were in attendance. D. Raithby presented the application to the Committee. He indicated that both he and the owners are in support of the severance.

The purpose of the Application for Consent is to create new residential lot in the Rural Cluster of Milldale. The lot to be severed will be approximately 2,001 sq. m (21,539.3 sq. ft) in size, with approximately 26.26 m (86 ft) of frontage on Highway 59, and contains an existing single detached dwelling and detached garage (which is proposed to be relocated on the property). A private well and septic system are also located on the lot to be severed. The lot to be retained will be approximately 16,656 sq. m (4.11 ac) in size, with approximately 7.89 m (25.8 ft) of frontage on Highway 59 and contains an existing agricultural building. A new single detached dwelling and private well and septic system are proposed for the lot to be retained. An application for easement has also been requested on the lot to be retained, in favour of the lot to be severed. The proposed easement has been requested to permit a shared driveway for the subject lands with a width of 7.89 m (25.8 ft) and a depth of 76.2 m (250 ft).

Minor Variances have been requested from the Rural Residential (RR) Zone, in the Township of Norwich Zoning By-law No. 07-2003-Z, as follows:

Variance Requested	Requested	Required
Section 9.2, Lot Area (severed lot)	2,001 sq. m (21,593.3 sq. ft)	2,800 sq. m (30,140 sq. ft.)
Section 9.2, Lot Frontage (severed lot)	26.2 m (89 ft)	35 m (114.8 ft)
Section 9.2, Lot Frontage (retained lot)	7.89 m (25.8 ft)	35 m (114.8 ft)
Section 9.2, Lot Depth (severed lot)	76.2 m (250 ft)	80 m (262.5 ft)

R. Versteegen reviewed the staff Report and explained that the severance proposes the creation of a rural residential lot in Milldale. Variances have been requested with the severance. An access easement has also been requested between the severed and retained lots. Agricultural uses are to the east and west, with rural residential uses to the north and south. Dual zoning exists on the retained lot. The severance is proposing to create an undersized lot for rural residential purposes. The application is not consistent with the 2014 Provincial Policy Statement and does not comply with the Official Plan policies. Southwestern Public Health, in their comments, raised concerns regarding the creation of an undersized residential property with an aging septic system and that replacement of this septic system may require more space than would be available on the proposed lot.

The proposed lot would not be in conformity with the Zoning By-law provision for minimum lot area. As a result, the variances requested are not minor in nature. An easement for shared access has been requested as access will not be permitted by the County Public Works Department. It was suggested that the property zoned A1 is not used for agricultural practices, but rather for a trucking operation. No comments were received resulting from the public notification to the neighbours. The recommendation of Planning staff is to deny the severance and minor variance.

D. Raithby passed around a picture of the property. He explained that the owners wish to build on the rear portion of the property. He indicated nothing new is being created. The streetscape is to stay the same, and the configuration of the lot is based on the existing lots in the area and is to maintain the depth of the existing lot to the immediate north and that the reduction in the required lot area is a minor. He pointed out that soil tests were undertaken on the site. He indicated that the owners have contracted Cahoon Engineering to design a septic system for the property. The Engineer's Report shows that the septic system in the rear yard, is undersized but works well. He indicated that he also had revised drawings showing a larger severed lot which met the minimum lot area requirements. He indicated the owners concur with the road widening to the County. Historic aspects of the application and issues have been closed. The existing garage currently on a cement slab will be moved. The owners do not intend to build at present, so it is premature to discuss setbacks, etc. The owners disagreed that a truck/transport terminal

operates on the subject property. The garage is for his vehicle as he is a truck driver. The rear part of the property is cropped.

R. Versteegen stated that there is no argument that some type of septic system could be installed on the subject property but the intent is to ensure rural residential lots are properly designed to accommodate conventional septic systems and not plan to create an undersized lot that requires a specialized septic system. He also noted that it is now the Township that will be reviewing septic systems in Norwich and that the Township CBO also raised concerns with the size of the proposed lot. He advised that the proposed lot size is approximately one-third less than what is required in the Township's Zoning By-law and that in his opinion this is not minor in nature. He suggested that if the applicant wanted to enlarge the size of the lot then a deferral would be the appropriate course of action in order to recirculate the application and obtain updated comments from the various agencies.

M. Hacon pointed out that there is nothing in that the septic is acceptable.

R. Jull suggested the owners could request a deferral to give them the opportunity to re-configure the lot.

G. Brumby questioned D. Raithby if the municipality has seen the revised proposal. In response, D. Raithby indicated that Township staff have not seen the new proposal. G. Brumby suggested the owners will need to make the lot more compliable, showing the location of the proposed home, as Planning staff will need to see the entire picture.

D. Raithby conferred with the owners and indicated that they are willing to defer the application.

R. Versteegen indicated that new updated comments will be required from the Township CBO and the other agencies on the appropriateness of the reconfigured lots.

D. Raithby requested a deferral of the application.

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

"Deferred"

REASON:

1. The application be deferred to allow the owners to amend their application by increasing the lot to be severed.

CARRIED.

B19-06-3 – William Kent & Cindy Joyce Ficht (Part Lot 5, Conc. 7, Township of Norwich,
formerly Township of East Oxford)

Kent Ficht was present to speak to the application. He indicated that the severance is for a lot addition.

The purpose of the Application for Consent is for an agricultural lot addition. The lot to be severed comprises approximately 19.83 ha (49 ac), is in agricultural production and is currently vacant. It is proposed that the lot to be severed will be added to the lot to the immediate south. The lot to be enlarged comprises approximately 21.04 ha (52 ac), is also in agricultural production and contains an existing barn, accessory single detached dwelling and a solar panel structure. The lot to be retained comprises approximately 0.61 ha (1.5 ac) and contains an existing single detached dwelling, a detached garage and a garden shed. The owners have also applied for Partial Discharge of Mortgage.

R. Versteegen reviewed the staff Report. The proposal is consistent with the Provincial Policy Statement (PPS). He noted that the application accumulates +8 points in the Point System and, therefore, complies with the Oxford County Official Plan. A zone change will be required for the retained lot to recognize the proposed use of the lot. No concerns were raised as a result of the

agency circulation for comments and no comments were received from neighbours resulting from the public notice to the neighbours. Planning staff are in support of the application and recommends approval of the application.

K. Ficht stated that he concurred with the findings and suggested conditions in the staff Planning Report.

Moved by: R. Jull
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 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 must be reflected on the certificate.
3. If required, a drainage reapportionment 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. A change of use permit be issued for the larger of the two accessory buildings located on the lot to be retained, to the satisfaction of the 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, 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.

B19-07-6 – Thomas H. Dayman (Lot 11 & Part Lot 12, Block L, Plan 95, Town of Ingersoll)

Thomas Dayman was in attendance to present the application. He indicated that his proposal is to separate an existing duplex dwelling.

The purpose of the Application for Consent is to separate an existing semi-detached dwelling into separately conveyable lots. The proposed lot to be severed will cover an area of approximately 581.4 m² (6,258 ft²) and will contain one-half of the semi-detached dwelling. The proposed lot to be retained will cover an area of approximately 567.5 m² (6,109 ft²) and will also contain one-half of the semi-detached dwelling, as well as an accessory structure. The owner has also applied for a Partial Discharge of Mortgage.

R. Versteegen reviewed the staff Report. He explained the application is to create a residential infill lot to split an existing duplex into two separate conveyable lots. The proposal is consistent with the Provincial Policy Statement (PPS), complies with the Oxford County Official Plan and conforms to the Residential Type 2 Zone in the Ingersoll Zoning By-law. No concerns were raised as a result of the agency circulation for comments and no comments were received from neighbours resulting from the public notice to the neighbours. Planning staff are in support of the application and recommends approval of the application.

T. Dayman stated that each lot has its own water and sewer connections. There are two separate meters.

R. Versteegen indicated that comments received stipulate that both properties require separate services.

T. Dayman indicated that he concurred with the findings and suggested conditions in the staff Planning Report. In response to A. Tenhove, Mr. Dayman explained that there is a driveway to the existing shed on the retained lot from George Street but it does not function as an access to the shed for his property.

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 owner shall provide the Town of Ingersoll with a survey of the subject lands, to that satisfaction of the Town of Ingersoll.
3. The owner shall provide verification from a qualified designer that the fire separation between the severed and retained lots is adequate, to the satisfaction of the Town of Ingersoll.
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 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.
5. 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.
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 subject property is appropriately zoned.
4. The Land Division Committee did not receive any comments from the public respecting

this application.

CARRIED.

B19-10-5 – Bushwalker Farm Ltd. and Leendert J. Boogerd & Bregtje C. Boogerd-Boeland (Part Lot 11, Conc. 7, Township of Zorra, formerly West Zorra)

Dirk Boogerd was in attendance to present the application. He explained to the Committee that a previous severance approved by the Committee should have included additional lands thus creating a natural boundary. The additional lands is represented by the severed lot. The proposal is to add a parcel to the lands to the immediate east.

The purpose of the application for consent is for an agricultural lot addition. The lot to be severed contains no buildings or structures, will cover an area of approximately 2.6 ha (6.5 ac) and is to be added to the adjacent farm property to the immediate east. The lot to be enlarged comprises approximately 47.8 ha (118 ac), including a barn for a dairy goat operation, an accessory single detached dwelling, and cropland. The lot to be retained comprises approximately 32 ha (79.2 ac) and contains an existing an accessory single detached dwelling and cropland. The owners have also applied for a Partial Discharge of Mortgage.

R. Versteegen reviewed the staff Report. He noted that the surrounding use is agriculture. The enlarged lot consists of a dairy/goat operation. The proposal is consistent with the Provincial Policy Statement (PPS) and complies with the Oxford County Official Plan. The existing A2-3 Zone recognizes a bed and breakfast use which has now ceased. No concerns were raised as a result of the agency circulation for comments and no comments were received from neighbours resulting from the public notice to the neighbours. Planning staff are in support of the application and recommends approval of the application.

D. Boogerd indicated that a zone change is costly and questioned why the existing zoning could not continue to exist. It was pointed out that the zoning should reflect exactly what the property is being used for and was requested by Township staff.

In response, D. Boogerd explained that the portion that is being severed is a sloping area with a bush lot and was impossible to safely access from the lot to be retained and wasn't properly configured when the original severance was completed in the 90's.

Moved by: R. Jull
Seconded by: M. Hacon

"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 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. 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 Zorra.
4. The Clerk of the Township of Zorra advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Township, financial 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 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.

B19-12-2 – Oxford Builders Inc. (Part Lot 115, Plan 111, Township of East Zorra-Tavistock, Village of Innerkip)

Dennis O'Neil was in attendance to present the application on behalf of Oxford Builders Inc. He indicated that the application is for a lot addition to his lot. The correspondence received from the East Zorra-Tavistock Council was reviewed by the owner and Committee.

The purpose of the Application for Consent is for a residential lot addition. The lot to be severed will cover an area of approximately 123.87 m² (1,333.3 ft²), containing a municipal drain, which is subject to an easement in favour of the Township of East Zorra-Tavistock. The severed lot will be added to the adjacent property to the north. The lot to be enlarged comprises approximately 622.65 m² (6,702.2 ft²), and contains an existing single detached dwelling. The lot to be retained comprises approximately 711.01 m² (7,653.3 ft²) and contains a single detached dwelling under construction.

R. Versteegen reviewed the staff Report. He indicated that the proposal is consistent with the Provincial Policy Statement (PPS) and complies with the Oxford County Official Plan. A zone change will be required for the severed lot. A municipal drain in favour of the Township is situated on the severed lot. No structures are proposed to be built on the lands to be severed. No concerns were raised as a result of the agency circulation for comments and no comments were received from neighbours resulting from the public notice to the neighbours. Planning staff are in support of the application and recommends approval of the application.

D. O'Neil stated that he concurred with the findings and suggested conditions of the staff Planning Report.

Moved by: C. van Haastert
Seconded by: M. Hacon

"Granted"

CONDITIONS:

1. The lot to be severed be appropriately zoned.
2. 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 Section 50(3) & (5) of the Planning Act, R.S.O., 1990, as amended, and be reflected on the certificate.
3. The Owner shall submit an updated survey to confirm lot sizes and building setbacks for the lot to be retained, to the satisfaction of the Township of East Zorra-Tavistock.

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 lot to be retained 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.
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. The Land Division Committee did not receive any comments from the public respecting this application.

CARRIED.

B19-13-1 – John Libbrecht (Part Lots 11 & 12, Conc. 6, Township of Blandford-
B19-14-1 – John & Hilary Libbrecht Blenheim, formerly Blenheim)

John & Hilary Libbrecht, together with their agent, Paul Barron, were in attendance. P. Barron presented the application. Also in attendance was Chris Schinkel, 895762 Oxford Road 3, R. R. #2, Drumbo ON N0J 1G0. P. Barron indicated that the severance is to create two parcels of land for residential purposes within the Village of Drumbo.

The purpose of the Applications for Consent is to create two parcels of land for future residential development purposes within the Village of Drumbo. The lands to be severed by Application B19-13-1 comprise approximately 2.7 ha (6.7 ac) and are currently vacant of any buildings/structures, while the lands to be retained comprise approximately 12.9 ha (31.9 ac) and are currently occupied by a farm storage building and an accessory farm dwelling.

The lands to be severed by Application B19-14-1 comprise approximately 23.4 ha (57.9 ac), while the lands to be retained comprise approximately 42.7 ha (105.6 ac). Both parcels of lands are currently vacant of any buildings/structures.

R. Versteegen reviewed the staff Report. He explained that the two severances propose to create two parcels to be developed for residential purposes within the Drumbo settlement limits. Both lots to be retained will continue to be used for agricultural purposes.

The severed lots are currently zoned Development (D) for some type of development. The retained lots are zoned General Agriculture (A2) and Limited Agriculture (A1) respectively. Both proposals are consistent with the Provincial Policy Statement (PPS) and comply with the Oxford County Official Plan. The A1 zoned lot is undersized and is currently being used for cash cropping purposes. Zone change applications will follow for to rezone both severed lots as well as the retained lot through Application B19-13-1. No concerns were raised as a result of the agency circulation for comments and no comments were received from neighbours resulting from the

public notice to the neighbours. Planning staff are in support of the application and recommends approval of the application.

Mr. Versteegen noted that County Public Works department undertook a Class EA to upgrade the capacity of the existing wastewater treatment plant that serves the Village of Drumbo. It is anticipated that the EA will be completed by 2020, with construction following. Capacity is expected to be increased to accommodate an additional 200 homes beyond the existing built-up area of the Village. The Committee was advised that no development on the severed lands can occur until such time that the upgrades to the Drumbo WWTP has taken place and the owners of the lands have obtained proper approvals (plans of subdivision, zone changes etc.) from Township and County Council.

C. Schinkel indicated that he understood that a sewage system plant is not ready as yet.

It was pointed out that the report suggested there were no buildings on the retained lot by B19-13-1. In fact there is an older dwelling.

R. Versteegen stated that C. Schinkel will receive further correspondence of any new applications when they have been received and are deemed complete.

It was pointed out that the abandoned railway line is privately owned and that the owners are in the process of trying to acquire portions of the railway that are adjacent to their property.

R. Versteegen indicated that the severances best reflect the settlement boundary and also discussed the current village boundary with the Committee.

B19-13-1

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

"Granted"

CONDITIONS:

1. The lands to be severed and retained be appropriately zoned.
2. If required, the Owners shall enter into a standard Severance Agreement(s) with the Township of Blandford-Blenheim, to the satisfaction of the Township of Blandford-Blenheim.
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 Blandford-Blenheim.
4. The Clerk of the Township of Blandford-Blenheim advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Township, financial 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 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.

B19-14-1

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

"Granted"

CONDITIONS:

1. The lands to be severed and retained be appropriately zoned.
2. If required, the Owners shall enter into a standard Severance Agreement(s) with the Township of Blandford-Blenheim, to the satisfaction of the Township of Blandford-Blenheim.
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 Blandford-Blenheim.
4. The Clerk of the Township of Blandford-Blenheim advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Township, financial 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 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.

On the motion of M. Hacon, the Committee meeting adjourned at 12:00 p.m.

"Gordon Brumby"

CHAIRMAN