

MINUTES

OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, April 7, 2011

The Oxford County Land Division Committee met in the Council Chambers, County Administration Building, Woodstock, Ontario, on Thursday, April 7, 2011 at 10:00 a.m. with the following individuals:

Chairman	-	J. de Bruyn
	-	G. Brumby
	-	W. Buchanan
	-	H. Elliott
	-	M. Hacon
	-	J. Palmer
	-	T. Rock
Corporate Manager	-	G. Hough
Secretary-Treasurer	-	L. Taschner

The Committee members congratulated G. Hough on his recent promotion to Corporate Manager of the Planning Office.

DECLARATION OF CONFLICT OF INTEREST:

None.

APPROVAL OF MINUTES:

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

"The Minutes of the Meeting of March 3, 2011, be approved as printed and circulated."

CARRIED.

BUSINESS ARISING FROM MINUTES:

None.

GENERAL BUSINESS:

The Committee discussed a number of seating arrangements to allow members of the public to speak independently, to keep a separation between the public and the owner.

L. Taschner reminded the Committee about the upcoming OACA Conference to be hosted by the County on May 29 to June 1 and requested that they submit their registrations to her.

J. de Bruyn questioned whether there was any further feedback from the County Public Works Department subsequent to the meeting of March 3, 2011. G. Hough indicated that there was none.

CORRESPONDENCE:

Correspondence dated April 4, 2011, was received from Harvey & Conny Masson regarding Application #B10-50-8 (1377462 Ontario Limited).

Correspondence dated April 6, 2011, was received from Blair & Sybil Leggo regarding Applications #B11-03-3 & #B11-04-3 (Nature Farms Inc. & Jeanette VanRavenswaay).

APPLICATIONS FOR CONSENT:

#B10-50-8 – 1377462 Ontario Limited (Lot 16 & Part Lot 18, Plan 1600, City of Woodstock)

H. Zabian, the owner, was in attendance to present the application. Also in attendance was Mrs. Conny Masson, 483 Rideau Road, Woodstock ON N4S 8M3. H. Zabian explained that a 3-unit plaza is proposed to be constructed on the lot to be severed, fronting on Norwich Avenue. He stated that the landscaping will enhance the area.

The purpose of the Application for Consent is to create a commercial lot. The lot to be severed will cover an area of 3,230.6 sq. m (34,775 sq. ft.), and contains two single detached dwellings which are to be removed. The lot to be retained will cover an area of 7,558.3 sq. m (81,360 sq. ft.) and is currently vacant. A commercial plaza is proposed to be developed on the lot to be severed, while the lot to be retained will be for future residential purposes. The owner has also applied for a Partial Discharge of Mortgage.

G. Hough briefly explained the application to the Committee. He indicated that the two existing houses on the subject property will be removed. He indicated that both the severed and retained lots will require a re-zoning. The easterly portion is proposed for commercial purposes. He noted that the property previously contained a salvage yard and that the necessary EAS reports have been conducted. The westerly portion of the property has less contamination. The soil on the easterly portion will probably have to be removed. The City of Woodstock will require lands for a future road for the Lampman Street extension. The City has received letters from the consultant ensuring that the contamination on the site has been adequately addressed. G. Hough reviewed the conditions of the staff Planning Report with the owner and pointed out to the Committee that the City has recommended that the application be amended such that the lot to be severed be identified as the lot to be retained, and vice versa. This is to enable the City of Woodstock to acquire the necessary lands for the road extension.

H. Zabian indicated that he had no questions at this time and stated that he would be willing to meet the conditions as outlined in the staff Planning Report.

C. Masson pointed out that her lot backs onto the proposed commercial lot. She had concerns of the proposed development and how it may affect her property, i.e. traffic, parking, garbage dumpsters. She pointed out that they already experience bright lights shining onto their backyard from the new hotel. She had concerns that the new use will decrease the property values for her property. She asked whether the plaza would be constructed in an east/west direction. In response, H. Zabian assured her that the development would face Norwich Avenue. C. Masson also pointed out that she also has concerns with water run-off. She explained that Wal-Mart, located on the east side of Norwich Avenue is higher in elevation to her property and that water already runs along her neighbour's property. She does not wish to have flooding on her property.

G. Hough stated that C. Masson's issues were valid. He pointed out that development issues are part of the site plan process. He owner will be required to abide by the Zoning By-law requirements and that matters regarding lighting, drainage, garbage, parking, etc., would be addressed through the site plan application process.

C. Masson asked for guarantees that all would proceed as required. In response, G. Hough re-iterated that the site plan process will deal with all those issues.

T. Rock addressed the mapping on Plate 2. In response, G. Hough explained the outline and the fabric of the property. T. Rock noted specific uses that were not permitted in the Regional Commercial Node Area. T. Rock further pointed out that the Woodstock Engineering in their comments, discussed the history of the contamination on the property. He stated that he understood that prior to the zoning of the subject property, it will be necessary for the owner to obtain a Record of Site Condition. He questioned whether Condition No. 1 would need to be amended to include the requirement for a Record of Site Condition from the Ministry of the Environment. In response, it was pointed out that one will be necessary prior to the issuance of a Building Permit.

G. Brumby asked the Corporate Manager to explain the Site Plan Control process. G. Hough explained that the Site Plan Control process is a planning process. The application is a City application. He noted that the westerly portion of the property is proposed for residential uses, while the easterly portion is for commercial uses. He noted that the lands planned for the residential development are lower than the lands to the east for the commercial development. The grade issues will need to be addressed.

J. de Bruyn questioned the plans for the development of a road. In response, G. Hough indicated that there are no plans as yet for residential development. The lands will be re-zoned special Future Development. J. de Bruyn noted that Planning does not generally allow lots to be created that have no frontage. G. Hough stated that Planning staff is satisfied that no development will occur at this time.

G. Hough explained that all commercial development is automatically under the site plan control process. The owner has been advised to make the necessary zone change and site plan control application together. Neighbours are given the opportunity review the Zone Change application and Site Plan Control application, as well. He noted that the road allowance will divide the severed lot into two parcels.

H. Elliott asked with the owner in attendance was aware of the process before him. In response, G. Hough indicated that H. Zabian's son is aware of the entire process.

T. Rock questioned the location of the road allowance. In response, G. Hough noted that there will be no access from the retained lot through the severed lot.

G. Brumby questioned whether the neighbours will be informed of the Site Plan Control process? Again, G. Hough indicated that the public will receive notification of the Zone Change application, and a site plan will be required as a result of the zone change.

The owner was questioned as to why his son was not in attendance for the hearing. In response, H. Zabian indicated that he had to attend a funeral.

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

"Granted"

CONDITIONS:

1. The lot to be severed and the lot to be retained be appropriately re-zoned.
2. The owner shall amend the application form to indicate that the westerly lands are identified as the severed parcel and the easterly lands are identified as the retained parcel, to the satisfaction of the Secretary-Treasurer.
3. 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.
4. The owner confirms that no underground or overhead services serving the retained lands traverse the severed parcel and vice versa. Where such services exist, the applicant shall relocate the services or obtain private easements over the severed and/or retained lands 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. The proposed Lampman Place extension road allowance shall be deeded to the City of Woodstock complete with one foot reserves, free of all encumbrances and costs, to the satisfaction of the City.
7. All buildings and structures situated on the lot to be retained (i.e. abutting Norwich Avenue) be demolished and removed from the site, to the satisfaction of the City of Woodstock.
8. The owner enter into any necessary easements with the City of Woodstock for the existing sanitary sewer that runs along the westerly property line of the lot to be severed (i.e. adjacent to the golf course), to the satisfaction of the City.
9. 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.

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

REASONS:

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

CARRIED.

#B-11-02-1 – Shain Arnott (Part Block E, Plan 104, Township of Blandford-Blenheim, formerly Township of Blenheim – Village of Drumbo)

Shain Arnott was in attendance to present his application. He briefly explained his proposal and explained that both the severed and retained lots are fully serviced. A two-storey home is situated on the lot to be retained.

The purpose of the Application for Consent is to create a residential building lot. The lot to be severed will cover an area of 1,821 sq. m (19,601 sq. ft.) and contains an existing garden shed to be removed. A single detached dwelling is proposed to be constructed on the lot. The lot to be retained will also cover an area of 1,821 sq. m (19,601 sq. ft.), and contains a single detached dwelling. The owner has also applied for Partial Discharge of Mortgage in conjunction with the severance.

G. Hough indicated that the area is designated for low density residential uses. The application is consistent with the 2005 Provincial Policy Statement, and complies with the policies of the County of Oxford Official Plan. The subject property is appropriately zoned.

S. Arnott stated that he concurred with the findings and suggested conditions of the staff Planning Report.

T. Rock questioned Condition No. 1 of the recommendation as to whether the Severance Agreement included the requirement to satisfy the County Public Works Department regarding municipal services. In answer, G. Hough indicated that the condition of payment will be worked into the Severance Agreement.

G. Brumby asked the owner whether the home on the retained lot was being renovated. S. Arnott indicated that it was.

Moved by: H. Elliott
Seconded by: T. Rock

"Granted"

CONDITIONS:

1. The County of Oxford Department of Public Works advise the Secretary-Treasurer of the County of Oxford Land Division Committee that all financial requirements of the County of Oxford with respect to provision of water and sewer services to the subject property have been complied with. This condition can be cleared by payment for the required services or entering into a severance agreement with the area municipality 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.

2. The Owners enter into a standard Severance Agreement with the Township of Blandford-Blenheim, to the satisfaction of the Township.
3. If required, drainage assessment reapportionment be undertaken pursuant to Section 65 of the Drainage Act, R.S.O. 1990, at the applicant's 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, services, and otherwise, have been complied with.
5. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year of the mailing of this Notice of Decision. If all conditions are not met within one year, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within one year, the consent herein shall lapse.

REASONS:

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

CARRIED.

#B-11-03-3 & #B11-04-3 – Nature Farms Inc. & Jeanette Van Ravenswaay (Part Lot 22, Concession 1, Township of Norwich, formerly Township of North Norwich)

Allen Van Ravenswaay, of Nature Farms Inc., together with his agent, Len Girard, were in attendance. L. Girard indicated that both he and his clients concur with the findings and suggested conditions of the staff Planning Report, except for removing the larger building. He noted that the application is to permit two lot consolidations, the first lot to be added to the east currently used for agri-business purposes, while the second will be added to the north to be used for agricultural purposes. He pointed out that Mr. Van Ravenswaay wishes to keep the large building on the retained lot.

The purpose of Application for Consent #B11-03-3 is for a lot addition. The lot to be severed will cover an area of 1.85 ha (4.57 ac), contains no buildings or structures and will be added to the existing agri-business to the immediate east. The lot to be retained will cover an area of 0.8 ha (2 ac), contains a residential dwelling and two metal clad out buildings, and will be used for non-farm rural residential purposes. The owners have also applied for a Partial Discharge of Mortgage in conjunction with the severance application.

The purpose of the application for Consent #B11-04-3 is for a lot addition. The lot to be severed will cover an area of 32 ha (79.1 ac), contains no buildings or structures and will be added to the agricultural property to the immediate north. The lot to be retained will cover an area of 0.8 ha (2 ac), contains a residential dwelling and two metal clad out buildings, and will be used for non-farm rural residential purposes. The owners have also applied for a Partial Discharge of Mortgage in conjunction with the severance application.

G. Hough reviewed the staff Planning Report. He indicated that that there was correspondence received after the report was prepared from Blair & Sybil Leggo. Everyone was given an opportunity to review the letter. G. Hough reviewed the conditions as outlined in the recommendation of the staff Planning Report. He noted that there was an opportunity for the County to take road widening at this time. He noted the 2002 sq. ft. building on the retained lot that is recommended by staff to remain, is larger than is permitted by the Township Zoning By-law. He

stated that using it for commercial purposes is not permitted, and the larger building would need to be removed or the owner could consider amending the application to include the building with the severed lot.

In response, L. Girard stated that the building would be used with the larger farm parcel.

A. Van Ravenswaay noted the building is used as an implement shed and due to the lot's proximity to the Hamlet of Holbrook, they would not be permitted to house livestock in the building.

G. Brumby questioned whether a zoning amendment would permit the existence of the second building. In response, G. Hough stated that it could be allowed through a zoning by-law amendment. G. Hough suggested that the application would need to be deferred in order to permit the owner to amend the lot configuration, and stated that the committee should be consistent in its decisions regarding accessory structures on residential lots.

T. Rock asked the owner what the shed was being used for. In response, A. Van Ravenswaay indicated that he purchased the property one year ago and he rents it out to Candoo Sports for storage. He noted that he proposes to store equipment for his farm operation in it.

In response to T. Rock's questions, G. Hough indicated that it is best to address proposed uses through zone change applications and not minor variance applications. He explained that the existing shed was constructed as part of the farm operation. In respect of the size of the building, he noted that if the shed was to be built as an accessory structure to a residential use, the size of the shed would have been smaller.

J. Palmer pointed out to the applicant that if Application #B11-04-3 were to be approved at this meeting, a condition would require that the accessory shed on the retained lot would be removed. He explained to the applicant that a request for deferral would need to come from him.

G. Hough stated that even if the applicant were to apply to the Township to keep the building, it may not change Planning staff's opinion to keep the building.

J. de Bruyn recognized that the AB zoned lot to be enlarged will double in size and questioned how the County would view if other lots along County Road 59 were doubled. In response, G. Hough stated that each application would need to be reviewed on its own merit.

J. de Bruyn questioned whether the Board of Health had any concerns with the septic bed and the location of the well. In response, G. Hough stated that no concerns were received.

It was noted that if an access is to be provided through the retained lot in favour of the severed lot, an easement would be necessary.

A. Van Ravenswaay requested that the Committee proceed with Application #B11-03-3 and requested a deferral of up to three months to the July meeting of the Committee for Application #B11-04-3 to consider options regarding the configuration of the retained lot and the use of the larger metal-clad shed.

#B11-04-3

Moved by: W. Buchanan
Seconded by: M. Hacon

"Deferred"

REASON:

1. The application for consent be deferred at the request of the owner for up to three months to the July, 2011 meeting of the County of Oxford Land Division Committee in order to permit the owner to consider amending the lot configuration of the lot to be severed.

CARRIED.

#B11-03-3

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

"Granted"

CONDITIONS:

1. The lot to be severed be appropriately re-zoned to 'Agri-Business Zone (AB)' to recognize the change in use resulting from the boundary adjustment.
2. The parcel intended to be severed be conveyed to the abutting landowner to the immediate east and be consolidated with said owners existing property. Any additional transactions with regard to the parcel severed will have to comply with Subsections 3 and 5, of Section 50 of the Planning Act, R.S.O., 1990, as amended, and be reflected on the certificate.
3. If required, drainage assessment re-apportionment be undertaken, pursuant to Section 65 of The Drainage Act, R.S.O. 1990, at the applicants' expense, to the satisfaction of the Township of Norwich.
4. 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.
5. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year of the mailing of this Notice of Decision. If all conditions are not met within one year, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within one year, the consent herein shall lapse.

REASONS:

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

CARRIED.

On the motion of W. Buchanan, the Committee meeting adjourned at 11:45 a.m.

"John de Bruyn"

CHAIRPERSON