

**MINUTES**

**OXFORD COUNTY LAND DIVISION COMMITTEE**

Thursday, December 1, 2011

The Oxford County Land Division Committee met in the Council Chambers, County Administration Building, Woodstock, Ontario, on Thursday, December 1, 2011, at 10:30 a.m. with the following individuals:

Chairperson	-	J. deBruyn
	-	G. Brumby
	-	W. Buchanan
	-	H. Elliott
	-	M. Hacon
	-	J. Palmer
Corporate Manager	-	G. Hough
Secretary-Treasurer	-	L. Taschner

The meeting was called to order at 10:30 a.m. G. Hough introduced Eric Gilbert, Development Planner. He indicated that Eric will be responsible for all development applications in the Township of Zorra. K Dean, part-time Clerk typist, was also in attendance to observe the proceedings.

**DECLARATION OF CONFLICT OF INTEREST:**

None.

**APPROVAL OF MINUTES:**

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

*“The Minutes of the Meeting of November 3, 2011, be approved as printed and circulated.”*

CARRIED.

**BUSINESS ARISING FROM MINUTES:**

The members discussed the voting practices of the Committee. It was discussed that voting shall continue with a show of hands. It was also pointed out that if a member who is present does not vote, that vote shall be recorded in the negative.

The Committee set the first meeting for 2012 for Thursday, February 2nd, 2012.

**GENERAL BUSINESS:**

Correspondence was received from Betsy Ingram regarding their Application B-52/08; A-15/08 (Ron & Betsy Ingram), requesting a further deferral for up to one year to allow the County of Oxford to determine an appropriate solution for providing improvements to the Bright reserve water system capacity. G. Hough indicated that there was no further information for the Committee.

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

*“Application #B-52/08; #A-15/08 (Ron & Betsy Ingram) be further deferred for up to one year to the December, 2012 meeting of the County of Oxford Land Division Committee in order to allow the County of Oxford to determine an appropriate solution for providing improvements to the Bright reserve water system capacity.”*

CARRIED.

CORRESPONDENCE:

A letter of concern was received from Andy J. Jacko regarding Application B11-38-3 (Dorothy Eppel).

Correspondence was received from Union Gas Limited regarding Application B11-54-3 (Stam Family Holdings Inc.).

APPLICATIONS FOR CONSENT:

B11-54-3 – Stam Family Holdings Inc. (Part Lots 20 & 21, Concession 1, Township of Norwich, formerly North Norwich)

Gordon Klein, the owner's solicitor, was in attendance to present the application. Also in attendance was Jan Veldhuizen, of Oxford Insta Shade. G. Klein presented the application to the Committee and explained that the lot to be severed will be consolidated with the agri-business lot to the immediate west and owned by Oxford Insta Shade.

The purpose of the Application for Consent is for a lot addition. The lot to be severed will cover an area of 2.38 ha (5.9 ac), contains an existing polyhouse and will be added to the agri-business property (garden centre) to the immediate west. The lot to be retained will cover an area of 50.59 ha (125 ac), contains two connected barns, a driveshed and two accessory single detached dwellings, and is in agricultural production.

G. Hough briefly reviewed the staff Planning Report. He explained that the severance has been submitted in order to permit the expansion of the commercial greenhouse nursery and for area for a septic system. The application is consistent with the 2005 Provincial Policy Statement, and complies with the Oxford County Official Plan. He noted that a re-zoning will be required. The County of Oxford is in a position to acquire the one-foot square parcel from the lot to be enlarged, in order to facilitate the consolidation of the properties. There is an existing livestock barn to the south of the subject property. There will be no change as far as the lot boundary is concerned, relative to the livestock barn. The Minimum Distance Setbacks (MDS) will be dealt with through the Zoning By-law amendment.

G. Klein stated that he concurred with the suggested conditions and the recommendation of the staff Planning Report.

J. de Bruyn asked how the MDS issue will be dealt with. In response, G. Klein re-iterated that this could be dealt with through a Zoning By-law amendment so, therefore, a minor variance is not necessary. J. de Bruyn further questioned whether the buildings on the Stam property were livestock buildings? G. Hough explained that they were no livestock buildings. J. de Bruyn asked whether livestock could be kept in the building? G. Hough further noted that the buildings on the Stam property did not have non-conforming status regarding the housing of livestock in all likelihood.

Moved by: W. Buchanan  
Seconded by: G. Brumby

*'Granted'*

CONDITIONS:

1. The lot to be severed be appropriately re-zoned and that the rezoning include the necessary relief from the MDS I setbacks as determined by the submission of surveyed information illustrating the actual setbacks from the boundary of the proposed lot addition to the nearest portion of the adjacent livestock facility and manure storage to the south.
2. A 0.3 m (1 ft.) x 0.3 m (1 ft.) parcel of land from the lot to be enlarged be deeded to the County of Oxford, free of any costs or encumbrances, 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 #B11-54-3.

3. The parcel intended to be severed be conveyed to the abutting landowner to the immediate west and be consolidated with said owners existing property. Any additional transactions with regard to the severed parcel must comply with Sections 50(3) and (5) of the Planning Act, R.S.O., 1990, as amended, and be reflected on the certificate.
4. If required, the owners enter into a standard Severance Agreement with the Township of Norwich, to the satisfaction of the Township.
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 2005 Provincial Policy Statement.
2. The application for consent complies with the policies of the County of Oxford Official Plan.

CARRIED.

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B11-59-8 – Thames Developments (XII) Inc. (Part Lot 5, Concession 13, City of Woodstock, formerly Township of East Zorra)

Bruno Nazzicone of Thames Developments was in attendance to present the application. He indicated the severance will facilitate an easement. He indicated that lands to the south are presently being developed for residential uses. In order to facilitate the certification of the lands in the Land Titles system, an easement is required to be registered on title. A new road is to be constructed to the immediate south of the easement.

The purpose of the Application for Consent is to grant an easement to the adjacent owner (Spriel) to allow him access to the lands owned by Thames Developments (XII) Inc. to maintain retaining walls located along part of the south and west property boundary. The easement measures approximately 1.52 m (5 ft) deep by 13.72 m (45 ft) in length on the south side of the Spriel property and 1.52 m (5 ft) deep and 18.3 m (60 ft) in length on the west side of the Spriel property.

G. Hough briefly reviewed the staff Planning Report. He stated that the application is consistent with the 2005 Provincial Policy Statement, complies with the County of Oxford Official Plan and conforms to the City's Zoning By-law. There will be no impact on the subdivision. Staff recommends approval.

B. Nazzicone stated that he concurred with the suggested conditions and the recommendation of the staff Planning Report.

J. Palmer pointed out that the fill and road on the lands being developed are higher than the Spriel property. In response, B. Nazzicone stated that the grading issues have been addressed through the subdivision process and attempts are being made to match the existing grades.

J. de Bruyn questioned the number of parties in the easement and whether Mr. Spriel will be only person to be able to access the lands subject to the easement? In response, B. Nazzicone stated the easement will be between Thames Development and Mr. Spriel only. He stated that the road is currently 6 feet higher. Thames Developments is to retain ownership of the lot to the west.

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He noted that Thames Developments did want to purchase the Spriel property and may still do so in the future.

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

*'Granted'*

CONDITIONS:

1. The easement be established over the subject property in favour of the lot to the immediate northeast, to the satisfaction of the Secretary-Treasurer of the Oxford County Land Division Committee.
2. The Clerk of the City of Woodstock advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town, financial, services and otherwise, have been complied with.
3. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year of the mailing of this Notice of Decision. If all conditions are not met within one year, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within one year, the consent herein shall lapse.

REASONS:

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

CARRIED.

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B11-38-3 – Dorothy Eppel (Part Lot 24, Concession 1, Township of Norwich, formerly South Norwich)

L. Gilvesy, the owner's solicitor, was in attendance to present the application. She reviewed the two pieces of late correspondence: letter from Andy Jacko and Union Gas Limited. She pointed out that the application is to sever the second residence from the lot. At present, there are two houses on the 4.57 acre lot. One of the homes was built in 1910 and the second was built in 1962, as a retirement home by the previous owners, the De Sutters. The owner wishes to keep the 1910 home with 3 acres and to sever the 1962 home with 0.87 acres.

The purpose of the Application for Consent is to create a non-farm rural residential lot. The lot to be severed will cover an area of 3,526 sq. m. (0.87 ac) and contains an existing single detached dwelling and attached garage. The lot to be retained will cover an area of 1.5 ha (3.7 ac), and also contains an existing single detached dwelling and attached garage.

G. Hough briefly reviewed the staff Planning Report. He indicated that the property is designated Agricultural Reserve in the County Official Plan, and it is zoned Restricted Agricultural (A1) in the Township's Zoning By-law. The newer home has been in existence for 50 years. The recommendation in the staff report is to deny the application.

L. Gilvesy stated that no new development is proposed and that no lands are being taken out of agricultural production. The retained lot consists of approximately 3 acres of workable lands, including a woodlot. There is a small agricultural parcel to the immediate west suitable for corn or soybeans. No intensive farming exists. She indicated that the subject lot was never part of the original farm operation. The property is situated at the edge of a ravine and bush and is too small for current-day equipment. A Residential Existing (RE) lot is located to the east. She stated that the

severance proposal is a legal technical application. There is a new well on the retained lot which serves the 1910 house. Andy Jacko lives across the road from the subject property. The well situated on the Jacko property serves the residence built in 1962. There is a potential that the new well situated on the retained lot could also serve the severed lot or, if required, a new well will be dug. Each lot has its own septic system. The property to the immediate east is zoned A1 and consists of a house only.

M. Hacon questioned whether there was an opportunity to consolidate properties. In response, G. Hough stated that it is always possible to consolidate properties; however, this is not the intent of this application.

W. Buchanan questioned whether the construction of the dwelling prior to the Official Plan policies coming into place had any bearing on their decision. In response, G. Hough stated that the 2005 Provincial Policy Statement discourages non-farm rural residential lots unless they are as a result of the farm consolidation. He reminded the Committee of the Innes severance whereby the owners were severing the second house from the lot. The application was turned down by the Ontario Municipal Board. He pointed out that the lots proposed by the Eppel application are smaller than the requested Innes lots.

W. Buchanan asked what constitutes a rural cluster. In response, G. Hough pointed out that a rural cluster consists of 10 or more houses in an identified area. He noted that the area of the Eppel severance is not identified a rural cluster.

H. Elliott noted that no farming is taking place on the severed lot, and only soybeans are farmed on the retained lot. He suggested that if there is no agricultural production taking place, it seems logical to allow the severance of the non-farm rural residential lot. G. Hough stated that this argument could then be used for any non-farm rural residential severance.

In response to J. de Bruyn's questions, L. Gilvesy stated that a consolidation could only occur to the west, which would still leave an undersized lot.

In response to G. Brumby's comments, G. Hough stated that everything must be taken into consideration when determining an agricultural parcel, not just the fact that it is zoned Agricultural.

G. Brumby noted the Committee was struggling to deny the application as it seems to fall within the cracks. In response, G. Hough explained that it is unusual to have two houses on one relatively small lot, designated and zoned for agriculture.

Moved by: J. Palmer  
Seconded by: ----

*"Not Granted"*

NOT CARRIED.

G. Hough discussed suggested conditions with the Committee, should the application be approved by the Committee.

J. de Bruyn suggested that approval of the application could set a dangerous precedent and he could foresee similar applications coming forward.

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

*'Granted'*

CONDITIONS:

1. The lots to be severed and retained be appropriately re-zoned.
2. The owners shall enter into a standard Severance Agreement with the Township of Norwich, to the satisfaction of the Township.

3. The owners of the lot to be severed satisfy the County of Oxford Public Works Department that a potable water supply is available to the severed lot in compliance with Regulation 903 of the Ontario Water Resources Act. Any inspections and any remedial measures required to bring the well into compliance shall be done, to the satisfaction of the Oxford County Board of Health.
4. If required, a road widening to 15 m (50 feet) from the centre line of road, along the frontage of the lot to be severed, be dedicated to the County of Oxford, free of all costs and encumbrances, to the satisfaction of the County Director of Public Works.
5. If required, drainage assessment re-apportionment 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 Norwich.
6. The Clerk of the Township of Norwich advise of the Secretary-Treasurer of the Land Division Committee that all requirements of the Township of Norwich 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.

REASON:

1. The Application for Consent does not offend the general intent and purpose of the 2005 Provincial Policy Statement and the County of Oxford Official Plan.

CARRIED.

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On the motion of J. Palmer, the Committee meeting adjourned at 11:50 a.m.

*"John de Bruyn"*

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CHAIRPERSON