

MINUTES

OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, August 2, 2012

The Oxford County Land Division Committee met in the Council Chambers, County Administration Building, Woodstock, Ontario, on Thursday, August 2, 2012 at 9:00 a.m. with the following individuals:

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

CONFLICT OF INTEREST:

W. Buchanan declared a conflict of interest on Application B12-26-6 (William Ring & Lisa Buchanan-Ring).

APPROVAL OF MINUTES:

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

“The Minutes of the Meeting of July 5, 2012, be approved as printed and circulated.”

CARRIED

BUSINESS ARISING FROM MINUTES:

None.

CORRESPONDENCE:

Correspondence dated July 30 and July 31, 2012 were received from Remi Cote regarding Application B12-25-8 (TruBuilt Construction Inc.).

GENERAL CORRESPONDENCE:

None.

GENERAL BUSINESS:

L. Taschner spoke on the OACA Seminar which is to be held in Peterborough on September 27-28, 2012.

The Committee discussed whether during the hearing of an application, the applicant can interrupt the Committee proceedings after the Chair has asked for the motion. The Committee requested that the Secretary-Treasurer review the Roberts Rules of Order and report back at the September meeting.

A committee Member questioned whether it was legal to place a 'sold' sign on a property prior to the completion of the severance. L. Taschner stated that she would investigate that and report back at the September meeting.

APPLICATIONS FOR CONSENT:

B-12-25-8 – TruBuilt Construction Inc. (Lot 10, Plan 55, City of Woodstock)

Troy Harrett was present to speak to the application. Joining T. Harrett was Robert Stevens, 9 Golden Place, Ingersoll ON N5C 3M5 to observe the proceedings. T. Harrett requested a deferral of the application to the September meeting of the Committee.

The purpose of the application is to create a residential building lot. The lot to be severed will cover an area of 341.4 sq. m. (3,674.9 sq. ft.), is currently vacant, and it is proposed that a single detached dwelling will be constructed. The lot to be retained will cover an area of 1,477.4 sq. m. (15,903.1 sq. ft.) and contains an existing single detached dwelling with an attached garage and an accessory structure. The owner has also applied for a Partial Discharge of Mortgage.

Moved by: J. Palmer
Seconded by: G. Brumby

"Deferred"

REASON:

1. The application be deferred at the request of the owner to the September, 2012 meeting to permit staff of the City of Woodstock to confirm that the single detached dwelling on the lot to be retained conforms to the Zone Provisions of the City of Woodstock Zoning By-law No. 8626-10.

CARRIED.

W. Buchanan declared a conflict of interest and left the proceedings.

B12-26-6 – William Ring & Lisa Buchanan-Ring (Part Lot 15, Block 32, Plan 279, Town of Ingersoll)

Bill Ring, the owner, together with his agent, Troy Harrett, were in attendance. Also in attendance was Robert Stevens, 9 Golden Place, Ingersoll ON N5C 3M5.

R. Stevens presented the application to the Committee. He indicated that a new lot measuring 50 ft by 150 ft is proposed, while the retained lot will measure 126 ft by 150 ft. The golf course is located across the road. He stated that there are only 13 single detached dwellings within the area of the proposed lot, 10 of which are either the same lot size or smaller, while 3 have larger lots. The addresses of the homes are 106 to 110, leaving a space for 108. He passed photos around to the Committee to review. The lots in the area were originally on private services and, therefore, the lot sizes were larger. The lots are now on municipal services and the larger lots are no longer required. A single storey dwelling is proposed and he passed a photo depicting the type of home proposed to the Committee members for their review. He stated that different size and styles of homes are located to the east of the property on Holcroft Street. He feels the property will conform to the properties in the immediate area. He presented a petition signed by nine area residents who are in support of the severance.

The purpose of the Application for Consent is to create a residential building lot. The lot to be severed will cover an area of 696.5 sq. m (7,497.3 sq. ft.). A single detached dwelling is proposed to be constructed on the lot to be severed. The lot to be retained will cover an area of 1,754.9 sq. m (18,900 sq. ft.) and contains an existing single detached dwelling. The owners have also applied for a Partial Discharge of Mortgage.

G. Hough briefly reviewed the staff Planning Report. He pointed out that the property is designated Low Density Residential on the Land Use Plan for the Town of Ingersoll in the County Official Plan. He pointed out that the Land Division Committee must ensure that the proposal is consistent with the street frontage, lot area setbacks and spacing of existing development within the immediate area of Holcroft Street. The application is consistent with the 2005 Provincial Policy Statement, however, an analysis of the proposal relative to the existing streetscape on the same street has determined that the proposed severance does not conform to the key criteria of the Official Plan for

consistency with the existing development on both sides of the same street, nor would the proposed development be sensitive to the existing characteristics of developed residential lots in the immediate neighbourhood. A previous application in the City of Woodstock, similar to the one before the Committee, was appealed to the Ontario Municipal Board where it was denied by the Board on these grounds.

B. Ring re-iterated that residents signed a petition in support of the proposal.

T. Harrett stated that there are only 13 properties on the same side of the street as the proposed lot. The neighbours have no objection to the development of a new house.

R. Stevens discussed the spacing between the new house proposed and the house on the corner lot.

T. Harrett requested a deferral of the application.

Moved by: G. Brumby
Seconded by: M. Hacon

"Deferred"

REASON:

1. The application be deferred at the request of the owners for up to three months to allow the owners and their agent further opportunity to review the staff Planning Report.

CARRIED.

W. Buchanan returned to the proceedings for Application B12-15-3; A12-04-3.

B12-15-3; A12-04-3 – Gerita Michelle Vrugteveen (Part Lots 316 to 318, Plan 746, Township of Norwich, formerly Village of Norwich)

Gordon Klein, the owner's solicitor, was in attendance to present the application. He indicated that the existing lot was subject of a severance in 2010. He stated that a minor variance was approved at that time from the interior side yard provisions.

The purpose of the Application for Consent is to create a residential building lot. The lot to be severed will cover an area of 780.92 sq. m. (8,406 sq. ft.). The lot to be retained will cover an area of 632.28 sq. m. (6,806 sq. ft.). Both the severed and retained lots are currently vacant. A single detached dwelling is proposed to be constructed on each lot.

Relief is sought from Section 11.5.21.2.1, Setback from Northern Lot Line, of the Township of Norwich Zoning By-law No. 07-2003 to reduce the minimum yard requirement from 21.3 m (70 feet) to nil.

G. Hough reviewed the staff Planning Report. He stated that the application is consistent with the 2005 Provincial Policy Statement, complies with the Oxford County Official Plan and the subject property is appropriately zoned. He pointed out that there is a mix of lot sizes in the area. He explained that the previous minor variance was to ensure a setback of the home to the south. The owners are proposing to sever the previously severed lot into two.

In response to J. deBruyn's question regarding drainage, G. Klein stated that it meets all the requirements.

Moved by: H. Elliott
Seconded by: W. Buchanan

'Granted'

B-12-15-3

CONDITIONS:

1. If required, the owner enter into a standard Severance Agreement with the Township of Norwich, to the satisfaction of the Township and that the said agreement include a clause which specifically directs that building permits not be issued for the severed or retained lots pending the completion of a municipal drain affecting the subject lands.
2. The County of Oxford Department of Public Works advise the Secretary-Treasurer of the County of Oxford Land Division Committee that all financial requirements of the County of Oxford with respect to provision of water and sewer services to the 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.
3. 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 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.
3. The subject property is appropriately zoned.

A-12-04-3

REASONS:

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

CARRIED.

B12-16-3 – Michael Sackrider & Antoinette Sackrider (Part Lot 18, Conc. 4, Township of Norwich, formerly North Norwich)

Antoinette Sackrider together with Michael Sackrider were in attendance. M. Sackrider briefly explained the application and pointed out that they have amended their application such that the lot area proposed is 1.83 acres. The dairy barn is to be removed.

The application for consent is for a lot addition. The lot to be severed will cover an area of 26.92 ha (66.51 ac) and is in agricultural production. The lot to be severed will be added to the lot to the immediate west which covers an area of 20.24 ha (50 ac), contains a chicken barn, five outbuildings, an accessory single detached dwelling and is in agricultural production. The lot to be retained will cover an area of 0.74 ha (1.83 ac), contains a dairy barn (to be removed), an outbuilding, and a single detached dwelling, and will be used for rural residential purposes. The owners have also applied for a Partial Discharge of Mortgage.

G. Hough briefly reviewed the staff Planning Report. He explained that the application was deferred at the request of the owners at the July meeting in order to permit them to consider amending the lot configuration of the severed and retained lots. He stated that the proposal is consistent with the 2005 Provincial Policy Statement and complies with the County of Oxford Official Plan. A re-zoning will required for the retained lot.

The owners stated that they concurred with the suggested conditions and the recommendation of the staff Planning Report. M. Sackrider asked about the timeline to remove the barn. In response, G. Hough explained that they had one year to meet all the conditions.

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

'Granted'

CONDITIONS:

1. The lot to be retained be appropriately re-zoned.
2. 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 Section 50 (3) & (5) of the Planning Act, R.S.O., 1990, as amended, and be reflected on the certificate.
3. The existing dairy barn and silo on the lot to be retained be demolished, to the satisfaction of the Township of Norwich Chief Building Official.
4. A road widening to 15 m (50 ft) from the centre line of Norwich Road, along the frontage of the lot to be severed and the lot to be retained, be dedicated to the County of Oxford, free of all costs and encumbrances, to the satisfaction of the County Director of Public Works.
5. 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 Norwich.
6. 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.
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 2005 Provincial Policy Statement.
2. The application for consent complies with the policies of the County of Oxford Official Plan.

CARRIED.

B12-28-4 – Anthony & Katharina Oosterman (Part Lot 10, BFC, Lots 10-12, Plan M-65, Township of South-West Oxford, formerly West Oxford)

Anthony & Katharina Oosterman were in attendance to present their application. A. Oosterman stated that they wish to increase the size of their existing lot.

The purpose of the Application for Consent is for a lot addition. The lot to be severed will cover an area of 2,163.23 sq. m (23,285.6 sq. ft.) and contains no buildings or structures. The lot to be severed surrounds the rural residential lot to which a portion of its lands is proposed to be added. The lot to be retained will cover an area of 10.58 ha (26.14 ac), is currently vacant and is proposed for future residential development.

G. Hough briefly reviewed the staff Planning Report. He briefly explained the application. He gave a brief history of the property and pointed out that the owners originally proposed to create three residential building lots. The applications were denied by the Land Division Committee and subsequently appealed to the Ontario Municipal Board. The OMB approved one of the lots and denied the other two. The lands to be severed surround the rural residential lot to which they are to be added. The lot to be retained will cover an area of approximately 26 acres and is located within the settlement of Beachville. There will be no impact on future development of the retained lot. There are no plans for municipal sanitary services. The property is presently has private sanitary services.

In response to M. Hacon's question regarding the status of Vine Street, G. Hough stated that Vine Street currently ends at the Oosterman property.

In response to G. Brumby's question regarding the jog in the property in front of the applicant's dwelling, G. Hough pointed out that this will serve to accommodate a future road allowance.

The Committee discussed the future plans for the retained lot.

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

'Granted'

CONDITIONS:

1. The lot to be retained and enlarged be appropriately re-zoned.
2. The shed located along the south-west boundary of the subject lands (25 Vine Street) be re-located in compliance with the required zoning setbacks of the Township of South-West Oxford Zoning By-law No. 25-98.
3. The parcel intended to be severed be conveyed to the lands known municipally as 25 Vine Street, identified as the 'lot to be enlarged' on Plate 3 of Report 2012-164 and be consolidated with the existing residential property. Any additional transactions with regard to the severed lands must comply with Section 50(3) and (5) of the Planning Act, R.S.O., 1990, as amended, and be reflected on the certificate.
4. If required, the applicants enter into a standard Severance Agreement with the Township of South-West Oxford, to the satisfaction of the Township.

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5. The Clerk of the Township of South-West Oxford 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.

B12-29-8 – Starbank Developments 1678 Corp. (Part Lot 18, Conc. 2, City of Woodstock, formerly East Oxford)

Harry Froussios of Zelinka Priamo was present to speak to the Committee. He explained that the application was for an easement for access purposes over the subject commercial lands in favour of the industrial lands to the east.

The purpose of the Application for Consent is for an easement for access purposes. The subject easement will cover an area of approximately 3.75 ha (9.28 ac). The easement will provided vehicular access across the subject property at 415 Norwich Avenue to the commercial property to the immediate east.

G. Hough briefly reviewed the staff Planning Report. He stated that no new development is proposed. The application is consistent with the 2005 Provincial Policy Statement, complies with the County of Oxford Official Plan and conforms to the City of Woodstock Zoning By-law.

The Committee discussed the easement between the two lots.

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

'Granted'

CONDITIONS:

1. The owner shall submit a draft Reference Plan and Easement Agreement to the City of Woodstock Engineering Department, to the satisfaction of the City of Woodstock.
2. 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.
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.

On the motion of J. Palmer, the Committee meeting adjourned at 10:35 a.m.

"John de Bruyn"

CHAIRPERSON