

## MINUTES

### OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, August 1, 2013

The Oxford County Land Division Committee met in the Council Chambers, County Administration Building, Woodstock, Ontario, on Thursday, August 1, 2013 at 9:00 a.m. with the following individuals:

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

#### DECLARATION OF CONFLICT OF INTEREST:

None.

#### APPROVAL OF MINUTES:

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

*"The Minutes of the Meeting of July 4, 2013, be approved as printed as amended, as follows:*

1. *Page 5, Paragraph 3 shall read as follows:*

*'J. Palmer asked if the first severance was not granted, then did all subsequent severances automatically fail.'"*

CARRIED.

#### BUSINESS ARISING FROM MINUTES:

None.

#### GENERAL BUSINESS:

The Secretary-Treasurer spoke on the upcoming OACA Seminar to be held at the Horseshoe Valley Resort in Barrie. The Committee discussed attendance at the Seminar and informed the Secretary-Treasurer that they will advise her of their wishes to attend the Seminar.

G. Hough indicated that two appeals were received as a result of the July hearing: Application B13-19-7; A13-04-7 (Richard & Louise Leadsom) and B13-26-2; A13-06-2, B13-27-2; A13-07-2 and B13-28-2 (Tru Built Construction Inc.).

The Committee discussed the format of the reports and stated that they preferred the way the reports were presented in the previous format as opposed to the updated version. G. Hough stated that there are on-going discussions and that changes in the report structure are forthcoming.

In answer the question raised regarding the Committee's quorum, G. Hough explained that he quorum was three Committee members.

In response to questions raised about the City of Woodstock's resolution to consider taking over planning services G. Hough pointed out that under the Planning Act, the County has special authorities which are different from many one-tier municipalities, and one of these authorities is that the County cannot delegate Land Division Committee authority to lower tier municipalities. City Council forwarded correspondence to each of the lower tier municipal councils to see if they were also in support of approaching the Province to request that the legislation be amended to allow the delegation of approval authority. To date, a number of the municipalities indicated that they were not in support of the recommendation and not interested in changing. No comment has been received from either the Township of Zorra or the Town of Tillsonburg. The Town of Ingersoll stated they were in support.

In response to the meeting with the CAO, it was recommended that the Committee could attend a training session. G. Brumby stated that the Committee attended a session at the beginning of the Committee's four-year term and he found it to be very beneficial. G. Hough suggested that the Committee should attend a training session after the next election, as the Committee could be made up of new Committee members.

H. Elliott suggested that the OACA Conference and Seminar are excellent sources of education for the Committee.

#### CORRESPONDENCE:

Correspondence dated July 23, 2013 was received from Union Gas Limited regarding Application B13-36-2; A13-09-2 (2188429 Ontario Inc.).

Correspondence dated July 23, 2013 was received from Union Gas Limited regarding Application B13-39-7 (Mike Christiaens).

Correspondence dated July 23, 2013 was received from Union Gas Limited regarding Application B13-40-2 (Estate of Ernest E. Bond).

Correspondence dated July 25, 2013 was received from Township of East Zorra-Tavistock Council regarding Application B13-40-2 (Estate of Ernest Bond).

Correspondence dated July 23, 2013 was received from Union Gas Limited regarding Application B13-42-6 (Ralph Benedict).

Correspondence dated July 23, 2013 was received from Union Gas Limited regarding Application B13-43-8 (Werner & Mary Braun).

Correspondence dated July 23, 2013 was received from Union Gas Limited regarding Application B13-44-3 (Adrian Boeder).

Correspondence dated July 26, 2013 was received from Ian & Paulette Robertson regarding Applications B13-41-6 & B13-42-6 (Ralph Benedict).

Correspondence dated July 31, 2013 was received from the Norwich Heritage Committee regarding Application B13-44-3 (Adrian Boeder).

#### APPLICATIONS FOR CONSENT:

B13-39-7 – Mike Christiaens (Lot 1164 and Part Lot 1163, Plan 500, Town of Tillsonburg)

Mike Christiaens together with Linda Buday, the prospective purchaser of the severed lot, were in attendance. They both reviewed the late correspondence received from Union Gas Limited. L. Buday briefly explained the application.

The purpose of the Application for Consent is for a residential lot addition. The lot to be severed will cover an area of 121 sq. m (1,303 sq. ft.) and contains no buildings or structures. The lot to be severed will be added to the residential lot to the immediate south, which contains an existing single-detached dwelling and shed. The lot to be retained will cover an area of 630.32 sq. m (6,784.7 sq. ft.), and contains an existing commercial building. The owners have also applied for a Partial Discharge of Mortgage.

G. Hough briefly reviewed the staff Planning Report and he stated that no concerns or objections were received from the Town staff. He pointed out that Town staff has requested a maintenance agreement be entered into between the retained lot and newly enlarged lots.

L. Buday stated that she has spoken with the Town Chief Building Official and stated that he indicated that Condition No. 2 as stated in the staff Planning Report is not required. In response, G. Hough indicated that Planning staff has not received confirmation and that it simply will be cleared by the Town.

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

*'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) and (5) of the Planning Act, R.S.O., 1990, as amended, and be reflected on the certificate.
2. The Chief Building Official of the Town of Tillsonburg advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Ontario Building Code with respect to spatial separation distances for the commercial building on the lot to be retained have been satisfied.
3. A 1.2 m (3.94 ft) Maintenance Easement be entered into over the lots to be severed and enlarged in favour of the lot to be retained for the purpose of maintaining the exterior of the existing commercial building, to the satisfaction of the Town of Tillsonburg.
4. 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.
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.

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B13-40-2 – Estate of Ernest E. Bond (Part Lot 15, Conc. 12, Township of East Zorra-Tavistock, formerly Township of East Zorra)

Don & Jeanine Pallister were in attendance to speak to the application. Also in attendance was Larry Litt, 845006 Braemar Sideroad, R. R. #6, Woodstock ON N4S 7W3. D. Pallister indicated that Jeanine and her siblings own the 3-acre property and wish to create a residential building lot. They reviewed the late correspondence received from Union Gas Limited, and the Council of the Township of East Zorra-Tavistock.

The purpose of the Application for Consent is to create a rural residential building lot. The lot to be severed will cover an area of 0.61 ha (1.5 ac) and is currently vacant. The lot to be retained will also cover an area of 0.61 ha (1.5 ac) and contains an existing single-detached dwelling with an attached garage and a shed. It is proposed that a single-detached dwelling will be constructed on the lot to be severed.

G. Hough reviewed the staff Planning Report. He explained that the property is located within a rural cluster settlement, and is compatible with the lots in the surrounding area. A 1-1/2 acre lot is proposed. The application is consistent with the 2005 Provincial Policy Statement (PPS), and complies with the Official Plan policies. Portions of the property are regulated by the Upper Thames River Conservation Area (UTRCA). No concerns or objections were received as a result of the agency circulation.

Late correspondence from Township staff has requested an additional condition of severance requiring the owner to pay cash-in-lieu of parkland.

D. Pallister stated that he and his wife concur with the findings and suggested conditions of the staff Planning Report and will contact the Township about the payment regarding parkland.

L. Litt stated that he had no objection to the application; however, he does not want a house built too close to his existing lot. He pointed out that he owns the property to the immediate west of the severed lot. In response, G. Hough pointed out that a home can be constructed up to 3 metres to the lot line; however, the Township could consider imposing a condition to this effect at the time the Zoning By-law is considered. L. Litt stated that his home was constructed in 1924.

D. Pallister stated that there were no immediate plans to construct a home.

J. de Bruyn suggested that payment for the cash-in-lieu for parkland could also be recovered at the Building Permit stage.

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

*'Granted'*

CONDITIONS:

1. The lots to be severed and retained be appropriately re-zoned.
2. The owner enter into a standard Severance Agreement with the Township of East Zorra-Tavistock, to the satisfaction of the Township.
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 East Zorra-Tavistock.
4. The owner submit a cash-in-lieu of parkland fee in effect at the time the consent is finalized, to the satisfaction of the Township of East Zorra-Tavistock.
5. The owner provide Proof of Probability of Potable Water, to the satisfaction of the Oxford County Public Works Department.

6. 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.
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.

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B13-41-6 & B13-42-6 – Ralph Benedict (Lots 1 & 2 and Part Lots 3, 10, 11 & 12, Block 89, Plan 279,

Town of Ingersoll)

Ralph Benedict, together with his son, Andrew Benedict, were in attendance. Also in attendance were Rudy & Lorea Boogerman, 173 Margaret Street, Ingersoll ON N5C 3G7. R. Benedict presented the application to the Committee and reviewed the late correspondence received from Union Gas Limited and from Ian & Paulette Robertson. He stated that he concurred with the findings and suggested conditions as outlined in the staff Planning Report.

The purpose of the Application for Consent is to create two residential building lots. The lot to be severed by B13-41-6 will cover an area of 483 sq. m (5,199.1 sq. ft.) and the lot to be severed by B13-42-6 will cover an area of 360 sq. m (3,875.1 sq. ft.). Both of the lots to be severed are currently vacant of any structures. The lot to be retained will cover an area of 1,240 sq. m (13,347.7 sq. ft.) and contains an existing single-detached dwelling, with attached garage and a shed. It is proposed that a single-detached dwelling will be constructed on each of the two lots to be severed.

G. Hough reviewed the staff Planning Report. He indicated the owner proposes to create two residential building lots along Bell Street which is an arterial road. No concerns were received from the Town Engineer. The property is zoned Residential Type 2 (R2). The proposal is compatible and consistent with lots in the surrounding area. There is a mix of lot sizes. The proposal will maintain the characteristic of the lots in the area, and the lots will be of a sufficient size so as to accommodate single detached dwellings. The application is consistent with the 2005 Provincial Policy Statement (PPS), and complies with the Official Plan policies.

It was pointed out that a letter of concern was received from Mr. & Mrs. Robertson who stated in their letter that they were not able to attend the hearing. In their letter, the Robertsons indicated that the intersection of Bell and Margaret Streets is very busy and suggested that additional driveways on this road will only add to an already busy traffic flow. An existing cable/utility box already obstructs the view of traffic. The traffic will only get busier with school starting in the next few weeks.

Lorea Boogerman stated that she had no comments.

It was pointed out that the County Engineer has requested a daylight triangle and that no comments were received from Town staff.

In response to J. deBruyn, G. Hough confirmed that the current residence on the property meets the Zoning By-law requirements. The severance by B13-41-6 will front onto Margaret Street. There is no need for a traffic study and the daylight triangle will improve the visibility issues outlined.

J. Palmer asked the owner why he is not requesting four lots. In response, R. Benedict indicated that he would need to tear down the existing garage on the retained lot.

B13-41-6

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

*"Granted"*

CONDITIONS:

1. A 5.0 m x 5.0 m (16.4 ft x 16.4 ft) daylight triangle at the south-east corner 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.
2. If required, the owner enter into a standard Severance Agreement with the Town of Ingersoll, to the satisfaction of the Town.
3. An easement for the purpose of drainage and related maintenance be established over the common lot line between the lot to be severed and the lot to be severed by B13-42-6 with right of use granted to both of the severed lots and in favour of the lot to be retained, to the satisfaction of the Town of Ingersoll and the Secretary-Treasurer of the Land Division Committee.
4. All financial requirements of the County with respect to the provision of water and wastewater services must be complied with. This condition can be cleared by payment for the required services or by entering into a Severance Agreement with the Area Municipality. A copy of the draft Severance Agreement, which addresses the above requirements, must be provided to the satisfaction of the County of Oxford Public Works Department prior to clearing the condition.
5. The Clerk of the Town of Ingersoll advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town, financial, services and otherwise have been complied with.
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.
3. The subject property is appropriately zoned.

B13-42-6

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

*"Granted"*

CONDITIONS:

1. The owner shall remove the existing detached accessory structure (shed) located on the lot to be severed, to the satisfaction of the Town of Ingersoll.
2. If required, the owner enter into a standard Severance Agreement with the Town of Ingersoll, to the satisfaction of the Town.
3. An easement for the purpose of drainage and related maintenance be established over the common lot line between the lot to be severed and the lot to be severed by B13-41-6 with right of use granted to both of the severed lots and in favour of the lot to be retained, to the satisfaction of the Town of Ingersoll and the Secretary-Treasurer of the Land Division Committee.
4. All financial requirements of the County with respect to the provision of water and wastewater services must be complied with. This condition can be cleared by payment for the required services or by entering into a Severance Agreement with the Area Municipality. A copy of the draft Severance Agreement, which addresses the above requirements, must be provided to the satisfaction of the County of Oxford Public Works Department prior to clearing the condition.
5. The Clerk of the Town of Ingersoll advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town, financial, services and otherwise have been complied with.
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.
3. The subject property is appropriately zoned.

CARRIED.

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B13-43-8 – Werner & Mary Braun (Part of Park Lot 3, Range 3, Plan 10, City of Woodstock)

Danny Finoro, the owners' agent, was in attendance to present the application. He reviewed the late correspondence received from Union Gas Limited.

The purpose of the Application for Consent is for a residential lot addition. The lot to be severed will cover an area of 321 sq. m (3,463.4 sq. ft.) and contains no buildings or structures. The lot to be severed will be added to the residential lot to the immediate north, which contains an existing single-detached dwelling presently under construction. The lot to be retained will cover an area of 1,251.5 sq. m (13,471.4 sq. ft.), and contains an existing single-detached dwelling. The owners have also applied for a Partial Discharge of Mortgage.

G. Hough reviewed the staff Planning Report. He indicated that the lot is currently zoned Residential Type 2 (R2) in the Zoning By-law and is designated Low Density Residential in the Official Plan. The severance is for a residential lot addition. The application is consistent with the 2005 Provincial Policy Statement (PPS) and complies with the County Official Plan policies.

D. Finoro stated that he concurs with the findings and suggested conditions of the staff Planning Report.

In response to G. Brumby's enquiry, G. Hough stated that lot to be enlarged already meets the R2 zone provisions of the By-law.

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

*"Granted"*

CONDITIONS:

1. 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.
2. The owners 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.
3. 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.
4. The owners shall confirm that no underground or overhead services serving the retained lands traverse the severed parcel and vice versa. Where such services exist, the owner 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 owners shall submit a recent survey to confirm lot sizes and building setbacks, to the satisfaction of the City of Woodstock.
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 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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B13-44-3 – Adrian Boeder (Part Lot 27, Conc. 1, Township of Norwich, formerly Township of North Norwich)

Adrian Boeder was in attendance to speak to his application. Also in attendance was Mr. Watt, 646 Main Street N., Burgessville ON N0J 1C0. A. Boeder requested approval of his application. He reviewed the late correspondence received from Union Gas Limited and the Norwich Heritage Committee.

The purpose of the Application for Consent is to create a residential building lot. The lot to be severed is currently vacant and will cover an area of 0.29 ha (0.72 ac). 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 0.41 ha (1 ac) and contains an existing single detached dwelling.

G. Hough briefly reviewed the staff Report. He explained that the property is currently zoned Residential Type 1 (R1) and consists of the Burgessville Museum School. The proposal is to sever the southerly portion of the property to create a residential building lot. The application is consistent with the 2005 Provincial Policy Statement (PPS), and complies with the Official Plan policies. The proposal is consistent with the lot sizes within the immediate area. The recommendation is to defer the application. The entire property is currently designated as a significant heritage feature (since 1987). Correspondence has been received from the Norwich Heritage Committee regarding this designation on the subject property, and the Committee is prepared to remove the heritage designation from the lot to be severed. G. Hough provided a list of suggested conditions to the Committee members, and to A. Boeder.

A. Boeder reviewed the suggested conditions and stated that he concurred with them.

Mr. Watt also reviewed the conditions and the letter received from the Norwich Heritage Committee. He stated that he was concerned with the proposed layout of the property, and suggested that the buildings will be too close to one another. He stated that he owns property to the south of the severed lot and feels that the new house proposed will be too close to his property.

In response, A. Boeder stated that the lot proposed meets the requirements of the Zoning By-law and that it was his opinion that there will be enough room.

G. Hough pointed out that construction of any building will need to meet the Zoning By-law requirements.

J. Palmer enquired about the stone cairn situated on the subject property and asked A. Boeder whether it will remain. In response, A. Boeder stated that he would like it to remain on the property.

G. Hough stated that the Heritage Committee did not make note of the cairn and that it could be relocated to the retained lot which will retain the heritage designation.

G. Hough agreed with J. deBruyn that the Heritage designation is only to remain on the retained lot and is not significant to the severed lot.

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

*"Granted"*

CONDITIONS:

1. The Township of Norwich Heritage Designation By-law (By-law No. 32-87) be amended to apply only to the structure on the retained property, to the satisfaction of the Township of Norwich.
2. A change of use permit be secured for the structure on the lot to be retained to convert the former Burgessville Museum School to a single detached dwelling, to the satisfaction of the Township Chief Building Official.
3. The applicant provide proof of potable water, in accordance with the County of Oxford Protocol for Determining the Probability of Potable Water for Development Proposals on Private Services, to the satisfaction of the County of Oxford Public Works Department.
4. A Performance Level Review be undertaken on the existing septic system servicing the lot to be retained, to the satisfaction of the County of Oxford Public Health and Emergency Services Department.

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5. If required, the applicant shall enter into a standard severance agreement with the Township of Norwich, 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 of Norwich, 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.

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B13-49-5 – Bushwalker Farm Ltd. (Part Lot 11, Conc. 7, Township of Zorra, formerly Township of West Zorra)

Len Boogerd of Bushwalker Farm Ltd. was in attendance to present his application and requested the Committee to approve his severance.

The purpose of the Application for Consent is to create an agricultural lot. The lot to be severed will cover an area of 36 ha (88.97 ac), contains no buildings or structures and is agricultural production. 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 47.77 ha (1118.03 ac), is also in agricultural production, and contains a livestock barn, three agricultural outbuildings and an accessory single-detached dwelling.

G. Hough reviewed the staff Planning Report and indicated that the application is consistent with the 2005 Provincial Policy Statement (PPS), complies with the Official Plan policies, and conforms to the Zoning By-law provisions. He noted that the irregular lot shape of the retained lot will wholly include the natural heritage features and will avoid fragmentation of these features.

G. Brumby noted that the existing zoning on the subject property is A2-3 and that no re-zoning is proposed or required.

G. Hough pointed out that the owner is not proposing to construct any buildings on the severed lot, and when and if construction is contemplated, a sewage disposal system will be required.

J. deBruyn questioned the owner about building on the severed lot. In response, L. Boogerd stated that there is an existing gravel pit, as well as UTRCA Regulation Limits. These areas are comprised of riverine flooding and erosion hazards associated with Mud Creek and the McDonald Drain. No buildings are permitted to be constructed within these areas. G. Hough pointed out that the owner will be required to contact the UTRCA prior to constructing buildings on the property.

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

"Granted"

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CONDITIONS:

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

REASONS:

1. The application for consent is consistent with the 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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B13-36-2; A13-09-2 – 2188429 Ontario Inc. (Lot 3, Plan 820, Township of East Zorra-Tavistock, formerly Township of East Zorra – Hickson)

Arnold Spina was in attendance to present his application. He explained that there are two homes on one lot and they have existed for 90 years. He requested the Committee to approve the severance.

The purpose of the Application for Consent is to create a residential lot. The lot to be severed will cover an area of 462 sq. m (4,973.1 sq. ft.) and contains an existing single detached dwelling and shed. The lot to be retained will cover an area of 819 sq. m (8,815.9 sq. ft.) and contains an existing single detached dwelling, a shed and a playhouse. The owner has also applied for a Partial Discharge of Mortgage.

Minor variances are sought from Section 12.2 of the Township of East Zorra-Tavistock Zoning By-law No. 2003-18:

Section 12.2	Required	Proposed
Lot Area	2,800 sq. m (30,140 sq. ft.)	462 sq. m (4,931.1 sq. ft.) - severed lot 819 sq. m (8,815.9 sq. ft.) - retained lot
Lot Frontage	35 m (114 ft)	18.87 m (61.9 ft) – severed lot 24.37 m (80 ft) – retained lot
Lot Depth	50 m (164.04 ft)	24.45 m (80.2 ft) – severed lot 33.60 m (110.2 ft) – retained lot
Front Yard	9 m (29.53 ft)	6.45 m (21.16 ft) – severed lot 1.9 m (6.23 ft) – retained lot

G. Hough briefly reviewed the staff Planning Report and pointed out that Planning staff is not supportive of the proposal. The Health Department expressed concerns with the size of the proposed lots, as the By-law requires a minimum of 2,800 sq. m (30,140 sq. ft.) and both lots are significantly below this lot area requirement. There is a concern as there will be long-term potential to have servicing issues in the future. Therefore, Planning staff recommends denial of the application.

A. Spina pointed out that when the original septic system failed in 2007, a new system was installed on the property which is currently the proposed lot to be retained. Should the severance be approved, he stated that a shared well agreement will need to be entered into.

Committee members discussed that it is irrelevant that there are two homes on the subject property today. What will happen when the septic fails on the severed lot? A new system will need to be installed. In response, G. Hough explained that there are no concerns with the existing systems. Problems will arise if the systems fail and there is not enough land to install new ones.

J. Palmer asked A. Spina if he knew how old the septic system was on the severed lot? In response, A. Spina indicated that he did not know.

M. Hacon stated that there are no municipal services extended to Hickson.

A. Spina stated that he met with the Public Health department staff prior to submitting the application and was informed that each lot must have its own septic system.

G. Brumby suggested that the application be deferred in order to get further clarification. In response, G. Hough indicated that there are no concerns with the existing system; the problem will be if the systems fail. It could result in potential long-term impact to service communities with municipal services.

A. Spina stated that he was in agreement with the deferral.

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

*"Granted"*

REASON:

1. To permit the owner to further discuss the servicing of the severed and retained lots with the County Public Works Department and the Department of Public Health.

CARRIED.

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B13-11-18-6; A11-08-6 – Jennifer Story (Part Lots 63 & 64, Plan 186, Town of Ingersoll, formerly

Township of West Oxford)

Dave Story was in attendance and presented the application to the Committee. He explained that the application was deferred at the August 2012 meeting of the Committee because the municipal sewers were not in place. He is back with the application and wishes to proceed; however, the Town staff have not yet commenced with the installation of the sewers. He indicated he received a letter that construction was to commence on July 29, 2013 but to date no work has started.

The purpose of the Application for Consent is to create a residential building lot. The lot to be severed will cover an area of 552.9 sq. m (5,952 sq. ft.). The existing detached shed situated on the lot to be severed will be removed and a single detached dwelling is proposed to be constructed. The lot to be retained will cover an area of 624.2 sq. m (6,720 sq. ft.) and contains an existing 2-storey single detached dwelling.

Relief is requested from Section 6.2 – R1 ZONE PROVISIONS (LOT DEPTH), to permit a lot depth for both the lot to be severed and the lot to be retained of 29.2 m (96 ft) in place of the 30 m (98.4 ft) required; and

Relief is requested from Section 6.2, R1 – ZONE PROVISIONS (FRONT YARD DEPTH), to permit a front yard depth for the lot to be retained of 5.18 m (17 ft) in place of the 6.0 m (19.8 ft) required by the Town of Ingersoll Zoning By-law No. 04-4160.

G. Hough briefly reviewed the staff Planning Report and indicated that the area is designated for Low Density Residential development. The application is consistent with the 2005 Provincial Policy Statement (PPS), complies with the Official Plan infilling policies and conforms to the Town's Zoning By-law requirements. He suggested that if the owner has received a letter from the Town, construction will probably commence shortly.

D. Story stated that he concurs with the findings and suggested conditions of the staff Planning Report. In light of the fact that no construction on the sewers has commenced to date, he requested the Committee to defer the application. He pointed out that his daughter lives in the house at the present time; however, he is looking at selling it at some time in the future.

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

*"Deferred"*

REASON:

1. The application for consent be deferred in order to allow the municipality to complete necessary arrangements for the installation of municipal sanitary services in the southern area of the Town of Ingersoll.

CARRIED.

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On the motion of M. Hacon, the Committee meeting adjourned at 11:35 a.m.

*"John De Bruyn"*

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CHAIRPERSON