

MINUTES

OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, July 4, 2013

The Oxford County Land Division Committee met in the Council Chambers, County Administration Building, Woodstock, Ontario, on Thursday, July 4, 2013 at 10:00 a.m. with the following individuals:

Chair	-	J. de Bruyn
	-	G. Brumby
	-	W. Buchanan
	-	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: G. Brumby

"The Minutes of the Meeting of June 6, 2013, be approved as amended."

CARRIED.

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

"That the wording in Paragraph 3 on Page 5 for Application B12-71-3 be worded as follows:

'He noted that Mr. Malcolm indicated at the April meeting that the accessory building on the lot to be severed is one complete shell and cannot be reduced in size.'"

CARRIED.

BUSINESS ARISING FROM MINUTES:

None.

GENERAL BUSINESS:

None.

CORRESPONDENCE:

Correspondence was received from Town of Tillsonburg Council dated June 28, 2013 regarding Application B13-19-7; A13-04-7 (Richard & Louise Leadsom).

Correspondence was received from Mrs. Dawne Fewster dated June 27, 2013 regarding Application B13-32-4 (David & Holly Lucas).

Correspondence was received from Brian Graydon, B & B Graydon Enterprises, dated July 3, 2013, regarding Application B13-32-4 (David & Holly Lucas).

Correspondence was received from Theo Leenders dated June 28, 2013 regarding Application B13-33-5 (Theodorus & Johanna Leenders).

Correspondence was received from the County of Oxford Public Works Department dated June 28, 2013 regarding Application B13-33-5 (Theodorus & Johanna Leenders).

Correspondence was received from the Upper Thames River Conservation Authority dated July 3, 2013 regarding Applications B13-33-5 (Theodorus & Johanna Leenders).

Correspondence was received from the Upper Thames River Conservation Authority dated July 3, 2013 regarding Applications B13-34-6 & B13-35-6 (Alicia Kathleen Papais).

Correspondence was received from the Upper Thames River Conservation Authority dated July 3, 2013 regarding Applications B13-26-2; A13-06-2, B13-27-2; A13-07-2 & B13-28-2 (Tru-Built Construction Inc.)

Correspondence was received from the Council of the Township of East Zorra-Tavistock dated July 3, 2013 regarding Applications B13-26-2; A13-06-2, B13-27-2; A13-07-2 & B13-28-2 (Tru-Built Construction Inc.)

APPLICATIONS FOR CONSENT:

B13-32-4 – David Lucas & Holly Heard-Lucas (Part Lot 10, Conc. 5, Township of South-West Oxford, formerly Dereham)

David & Holly Lucas were in attendance to present their application. Also in attendance was Ryan Fewster, 324032 Mt. Elgin Road, R. R. #2, Mount Elgin ON N0J 1N0.

D. Lucas reviewed the late correspondence received from Mrs. Dawne Fewster and Mr. Brian Graydon of B & B Graydon Enterprises. D. Lucas briefly explained their application to the Committee. He stated that both he and his wife concurred with the findings and suggested conditions of the staff Planning Report.

The purpose of the Application for Consent is to create a vacant lot for future residential development. The lot to be severed will cover an area of 5.9 ha (14.5 acres) and contains an existing barn. The lot to be retained will cover an area of 15.2 ha (37.5 acres), contains outbuildings and an accessory single detached dwelling and garage, and is in agricultural production.

G. Hough reviewed the staff Planning Report. He gave a history of the proposal. He noted that an identical application was considered by the Committee in 2009. Application B-57/09 was denied by the Committee; however, the accompanying zone change application was approved by the Township. The severance application was not appealed to the Ontario Municipal Board. He stated that the northerly portion of the property is situated in southerly Mount Elgin and is designated Settlement in the Official Plan. These lands are not subject to the agricultural policies of the Official Plan. The issues of drainage will be addressed in the Plan of Subdivision. The proposed severed parcel is designated Low Density Residential. The County Public Works Department, in their comments, have indicated that there is capacity for both water and sewer to the property. The retained lands will continue to be located within the Agricultural Reserve. There will be no need for a re-zoning of the severed lot. The existing Development (D) Zone will require re-zoning in the future. The existing zoning does not permit the construction of a house at this time.

The Lucas' stated that they had no further comments.

R. Fewster stated that he was in attendance on behalf of his mother, Dawne Fewster, who was in support of the application.

M. Hacon confirmed with the Corporate Manager that the severed lot was located entirely within the Village designation. In response, G. Hough stated that it is.

W. Buchanan questioned whether the severance would result in the retained lot becoming landlocked? In response, G. Hough stated that the severed parcel has frontage on Highway 19 but that an easement is proposed over the severed lot in favour of the retained lot at this time.

The Lucas' stated that they concurred with the need for the easement.

G. Brumby questioned whether the barn will need to be removed. In response, G. Hough stated that future development will require the barn to be removed.

The Committee discussed the need to include a condition requiring the easement.

Moved by: W. Buchanan
Seconded by: J. Palmer

"Granted"

CONDITIONS:

1. 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 South-West Oxford.
2. 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.
3. An easement be entered into over the lot to be severed in favour of the lot to be retained, for access purposes, to the satisfaction of the Secretary-Treasurer of the Land Division Committee.
4. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year of the mailing of this Notice of Decision. If all conditions are not met within one year, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within one year, the consent herein shall lapse.

REASONS:

1. The application for consent is consistent with the 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.

B13-26-2; A13-06-2, B13-27-2; A13-07-2 & B13-28-2 – Tru-Built Construction Inc. (Part Lot 16, Conc. 12, Township of East Zorra-Tavistock, formerly East Zorra)

Troy Harrett of Tru-Built Construction was in attendance to present his application. Also in attendance was Joe Williams, 845049 Braemar Sideroad, P.O. Box 1663, Woodstock ON N4S 0A9. T. Harrett reviewed the late correspondence received from the Upper Thames River Conservation Authority and the Council of East Zorra-Tavistock. T. Harrett briefly explained his proposal and pointed out that he wishes to create three residential building lots and retain a residential building lot.

The purpose of the Applications for Consent is to create 3 rural residential building lots. The lots to be severed by B13-26-2 and B13-27-2 will each cover an area of 0.47 ha (1.18 ac). The lot to be severed by B13-28-2 and the lot to be retained will each cover an area of 0.53 ha (1.32 ac). It is proposed that a single detached dwelling will be constructed on each of the three lots to be severed and the lot to be retained.

A minor variance is sought from Section 9.2, Lot Frontage to permit a lot frontage for the lots to be severed by B13-26-2 and B13-27-2 of 31.39 m (103 ft) in place of the 35 m (114.8 ft) required by the Township of East Zorra-Tavistock Zoning By-law No. 2003-18.

G. Hough briefly reviewed the staff Planning Report. He gave a brief history of the subject property and the applications presented over the past few years. He noted that originally an application was approved by the Committee in 2011 under Application B11-06-2 to split the property in half, resulting in two 2.5 acre lots. The application lapsed and the owner re-submitted an identical application. The Committee approved the re-submitted application on October 4, 2012. This consent will lapse in October, 2013. Subsequent to the resubmitted application, the owner has submitted the applications before the Committee to sever the subject property into four lots, each being over 1 acre. Two of the lots will have a deficient lot frontage and, therefore, an accompanying minor variance application has been submitted along with the severances. G. Hough reviewed the Official Plan policies and indicated that the Rural Cluster area allows for the creation of lots. There is a mix of lot sizes in the area. The proposal is compatible and consistent with the policies of the 2005 Provincial Policy Statement. He noted that the property is wooded, however, is not identified as a significant woodlot in the Oxford Natural Heritage Study. Removal of the trees will be subject to the Woodlands Conservation By-law. He indicated that planning staff recommends approval of the applications, subject to the conditions outlined in the staff Planning Report.

T. Harrett stated that he concurred with the suggested conditions and the recommendation of the staff Planning Report. He stated that he has a concept plan in place for the proposed houses. He confirmed that he will work closely with the Municipal Law Enforcement Officer for the removal of the trees. He pointed out that he has interested buyers for the lots.

J. Williams stated that he lives directly east of the property subject to the severances. He owns 9 acres and his lot is an estate residential lot and that there is a 5-acre lot to the west of the subject property. He indicated that the proposed density of the lots will change the character of the area. He noted that the frontage of the lots slope toward his property and questioned where the septic systems will be located. He indicated that there is a significant amount of trees that will need to be removed in order to be able to install a septic system on each lot. He stated that he has had water issues in the past. He pointed out that there will need to be four additional wells. He stated that there is considerable wildlife in this area and that the character of the habitat will be changed should the severances be approved. He is opposed to the severances.

In response, T. Harrett stated that he intends to improve the property. He pointed out that he has completed the required water studies and passed around a copy for the Committee to review. The Township is satisfied with the report.

J. Williams re-iterated that there will be a water shortage and this will impact on the surrounding properties in the area. He explained that he has had problems with ground water shortage in the past few years, and that he drilled 3 separate areas before getting a good location for a well on his property. He further noted that since the construction of the Craigowan Golf & Country Club, he has had problems with his well.

G. Hough pointed out that the Public Health Department had no concerns with the proposal and noted that drainage plans will be required prior to the issuance of a Building Permit. No objections were received from the circulated agencies.

G. Brumby questioned whether the applicant's previous severance to split the property in half had lapsed? In response, G. Hough indicated that the application was approved by the Committee on October 4, 2012, and lapses on October 11, 2013.

M. Hacon confirmed that there was a condition requiring the owner to withdraw the previous severance (B12-51-2). In response, G. Hough stated there was.

J. de Bruyn questioned the lot sizes and whether they were compatible with the area. In response, G. Hough stated that the lots were compatible and that the lot sizes of 1 acre are suitable in this area. He further noted that the study speaks to the potable water.

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

B13-26-2, B13-27-2 & B13-28-2

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

"Not Granted"

REASON:

1. The proposed lot is not consistent with the existing lots in the immediate area as required by the Official Plan for lot creation in Rural Clusters.

A13-06-2 & A13-07-2

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

"Not Granted"

REASONS:

1. The variance requested for lot frontage is not a minor variance from the provisions of the Township of East Zorra-Tavistock Zoning By-law No. 2003-18.
2. The variance requested for lot frontage is not desirable for the appropriate development or use of the land, building or structure.
3. The variance requested for lot frontage is not in keeping with the general intent and purpose of the County of Oxford Official Plan.
4. The variance requested for lot frontage is not in keeping with the general intent and purpose of the Township of East Zorra-Tavistock Zoning By-law No. 2003-18.

CARRIED.

13-33-5 – Theodorus & Johanna Leenders (Part Lots 33, 34 & 35, Conc. 8, Township of Zorra, formerly West Zorra)

Theo Leenders was in attendance to present his application. He reviewed the late correspondence received from the Oxford County Public Works Department and the Upper Thames River Conservation Authority pertaining to his application. He briefly explained his proposal to the Committee.

The purpose of the Application for Consent is to create an agricultural lot. The lot to be severed will cover an area of 30.41 ha (75 ac), contains no buildings or structures and is in agricultural production. The lot to be retained will cover an area of 30 ha (74.1 ac), contains farm buildings, an accessory single detached dwelling and is in agricultural production. It is proposed that both lots will continue to be used for agricultural production. The owners have applied for a Partial Discharge of Mortgage.

G. Hough reviewed the staff Planning Report. He indicated that the application is consistent with the 2005 Provincial Policy Statement and complies with the Official Plan Policies. He explained to the Committee that Mr. Leenders is requesting a slight amendment to the lot configuration of the severed lot.

In response to J. de Bruyn's inquiry, G. Hough pointed out that the lot depth is calculated from the mid-point of the frontage and the mid-point of the depth. J. de Bruyn further questioned the location of the access to the agricultural lands. In response, T. Leenders stated that a new road and new culvert are proposed.

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

"Granted"

CONDITIONS:

1. 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 Zorra.
2. The owners confirm that both the lot to be severed and the lot to be retained conform to the Township of Zorra Zoning By-law No. 35-99, to the satisfaction of the Secretary-Treasurer of the Land Division Committee.
3. 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.
4. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year of the mailing of this Notice of Decision. If all conditions are not met within one year, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within one year, the consent herein shall lapse.

REASONS:

1. The application for consent is consistent with the 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.

B13-34-6 & B13-35-6 – Alicia Kathleen Papais (Part of Park Lot 6, Block 30, Plan 279, Town of Ingersoll)

Paul Papais, the owner's husband was in attendance, together with his solicitor, M. Borndahl. M. Borndahl presented application to the Committee. Also in attendance were the following individuals:

Dianne Mann
330 Oxford Street
Ingersoll ON N5C 2W3

Jamil Youkhanna
327 Oxford Street
Ingersoll ON N5C 2W4

M. Borndahl reviewed the late correspondence received from Upper Thames River Conservation Authority. He briefly explained the application to the Committee. He stated that his clients concurred with the findings and suggested conditions of the staff Planning Report.

The purpose of the Applications for Consent is to create two residential building lots. The lot to be severed by B13-34-6 will cover an area of 664.24 sq. m (7,150 sq. ft.) and the lot to be severed by B13-35-6 will cover an area of 557.4 sq. m (6,000 sq. ft.). Both lots are currently vacant and a single detached dwelling is proposed to be constructed on each lot. The lot to be retained will cover an area of 1.32 ha (3.26 ac) and contains an existing single detached dwelling. The owner has also applied for a Partial Discharge of Mortgage.

G. Hough reviewed the staff Planning Report. He stated that the property is located within the Low Density Residential designation in the Official Plan. He noted that there is mix of lot sizes in the area. He pointed out that an additional condition for B13-34-6 will be required regarding the need for a servicing easement on the lot to be retained. He suggested that the wording is identical to Condition No. 1 for Application B13-35-6.

D. Mann stated that the property was originally planned for six lots. She questioned whether Oxford Street will become an additional access to the subject property. In response, G. Hough stated that there are only two severances before the Committee at this meeting. If the owner wants to create further lots she will be required to submit further applications. D. Mann questioned whether there are existing sewers to the two lots. In response, G. Hough stated that there were.

J. Youkhanna stated that he lives at the end of Oxford Street where it dead ends into the Papais' property. He would like it to remain that way. In response, M. Borndahl pointed out that the original 6-lot proposal was not submitted by his clients. The existing house is to remain on the property and will not be torn down. There are no plans to extend Oxford Street.

D. Mann stated that as long as there are no plans to create an access from Oxford Street, she would have no objection to the application.

M. Hacon suggested that the easement across the frontage of the lot will not hinder the construction of the new residence. In response, G. Hough indicated that he was not certain if the Town of Ingersoll held a one-foot reserve along Oxford Street.

B13-34-6

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

"Granted"

CONDITIONS:

1. If required, the owner shall enter into a standard Severance Agreement with the Town of Ingersoll, to the satisfaction of the Town.
2. 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.
3. The owner shall establish a 4.0 m (13.1 ft.) wide servicing easement, in favour of the County of Oxford, along the frontage of the lot to be severed, to the satisfaction of the County of Oxford Public Works Department.
4. The owner shall establish a 4.0 m (13.1 ft) wide sanitary servicing easement, in favour of County of Oxford, along the frontage of the lot to be retained, to the satisfaction of the County of Oxford Public Works Department.
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.

B13-35-6

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

"Granted, with Condition No. 1 of B13-34-6."

CONDITIONS:

1. If required, the owner shall enter into a standard Severance Agreement with the Town of Ingersoll, to the satisfaction of the Town.
2. 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.
3. The owner shall establish a 4.0 m (13.1 ft.) wide servicing easement, in favour of the County of Oxford, along the frontage of the lot to be severed, to the satisfaction of the County of Oxford Public Works Department.
4. The owner shall establish a 4.0 m (13.1 ft) wide sanitary servicing easement, in favour of County of Oxford, along the frontage of the lot to be retained, to the satisfaction of the County of Oxford Public Works Department.
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.

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2. The application for consent complies with the policies of the County of Oxford Official Plan.
 3. The subject property is appropriately zoned.

CARRIED.

B13-37-6 – Nickolas Parker (Part Lot 53 & Lots 54 & 55, Block 95, Plan 279, Town of Ingersoll)

Shawn & Sherry Parker, parents of the applicant, were in attendance for the meeting. Sherry Parker briefly explained the application.

The purpose of the Application for Consent is to create a residential building lot. The lot to be severed will cover an area of 380.5 sq. m (4,096 sq. ft.) and contains no buildings or structures. The lot to be retained will cover an area of 576 sq. m (6,200 sq. ft.) and contains an existing single detached dwelling and detached garage. It is proposed that a single detached dwelling will be constructed on the lot to be severed. The owner has also applied for a Partial Discharge of Mortgage.

G. Hough reviewed the staff Planning Report. He stated that the lands are designated Low Density Residential on the Land Use Plan for the Town of Ingersoll in the County Official Plan. The application is consent with the 2005 Provincial Policy Statement, complies with the Official Plan policies and conforms to the Town's Zoning By-law requirements.

S. Parker stated that she and her husband concur with the findings and suggested conditions of the staff Planning Report.

J. de Bruyn questioned whether any services will be crossing the lot line. In response, G. Hough pointed out that it is typical of staff of the City of Woodstock to request easements for those services that cross the property line between the severed and retained lots. No such request was made by the Town of Ingersoll.

Moved by: H. Elliott
Seconded by: G. Brumby

"Granted"

CONDITIONS:

1. If required, the owner enter into a standard Severance Agreement with the Town of Ingersoll, to the satisfaction of the Town.
2. 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.
3. 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.
4. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year of the mailing of this Notice of Decision. If all conditions are not met within one year, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within one year, the consent herein shall lapse.

REASONS:

1. The application for consent is consistent with the 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.

B13-45-3 – Koert Pelleboer & Hermina Pelleboer-Buijert (Part Lots 17 & 18, Conc. 8, Township of Norwich, formerly South Norwich)

No one was present to speak to the application.

The purpose of the Application for Consent is for an agricultural lot addition. The lot to be severed will cover an area of 57.4 ha (141.75 ac), contains farm buildings associated with a tobacco farm operation, and is in agricultural production. The lot to be severed will be added to the parcel to the immediate west, consisting of two barns, an accessory single detached dwelling and is also in agricultural production. The lot to be retained will cover an area of 0.51 ha (1.25 ac), contains a single detached dwelling and will be used for non-farm rural residential purposes. The application is identical to Application B12-14-3 which was approved with a number of conditions by the Land Division Committee on June 7, 2012. The required Exemption Certificate was not received prior to the lapsing date of the application and, therefore, the owners have submitted a new application to complete their severance.

G. Hough reviewed the staff Planning Report. He explained that the owners' previous application lapsed and the application before the Committee is identical to that application. The application is consistent with the 2005 Provincial Policy statement, complies with the Official Plan policies, and the subject property is appropriately zoned.

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

"Granted"

CONDITIONS:

1. The parcel intended to be severed be conveyed to the abutting landowner to the immediate west and be consolidated with said owner's existing property. Any additional transactions with regard to the severed parcel must comply with Sections 50(3) & (5) of the Planning Act, R.S.O., 1990, as amended, and be reflected on the certificate.
2. The owners confirm that the septic system and well servicing the retained lot is wholly located within the lot to be retained, to the satisfaction of the Oxford County Public Health and Emergency Services Department.
3. 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.
4. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year of the mailing of this Notice of Decision. If all conditions are not met within one year, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within one year, the consent herein shall lapse.

REASONS:

1. The application for consent is consistent with the 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.

B12-27-3 – Tjeerd & Tieteje Van Der Kooi (Part Lots 20 & 21, Conc. 8, Township of Norwich, formerly South Norwich)

Ted Van Der Kooi, together with his son, Andre Van Der Kooi, 592680 Oxford Road 3, R. R. #1, Otterville ON N0J 1R0, were in attendance. T. Van Der Kooi explained that this application was deferred by the Committee and he has now met with staff of the County Public Works Department regarding the well on the severed lot.

The purpose of the Application for Consent is to sever an existing dwelling on the property that is within the Village of Springford. The lot to be severed will cover an area of 0.55 ha (1.36 ac.) and contains an existing single detached dwelling. The lot to be retained will cover an area of 54.08 ha (133.6 ac.) and contains a pack barn, pump house and garage. The owners have also requested an easement over the lot to be severed in favour of the lot to be retained, such that the existing well will serve the dwelling and the pack barn.

G. Hough reviewed the staff Planning Report. He explained that the County Public Works Department requires that the lot to be severed be connected to municipal water. He pointed out that the existing well is used to supply water to the barn, as well as the house. The Public Works Department wants the well decommissioned. He noted that there is no By-law in place at the present requiring that the well be decommissioned. The owner will not be permitted to use the well for the house and will require an easement for the retained lot.

T. Van Der Kooi explained that there is no separate connection to the barn and that the only connection is from the well through the house and to the barn. In response, G. Hough pointed out that the owners will be required to disconnect the well line to the house.

J. Palmer suggested that the existing well runs from hydro from the house to the barn.

The Committee members relayed their concerns that the well within the house will continue to be used, even if municipal water is hooked up to the house.

W. Buchanan stated that the elimination of wells after servicing are available is the spirit of the By-law. A discussion ensued regarding the need for a pump house.

G. Brumby suggested that it will be up to the owners to determine how the well will serve the barn only.

G. Hough reiterated that the County prefers decommissioning of the well.

After further discussion, the G. Hough suggested that it would be best to defer the application to permit the owner to meet with Planning staff and Public Works staff to further discuss the well situation.

T. Van Der Kooi agreed to the deferral.

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

"Deferred"

REASON:

1. To permit the owner to meet with Oxford County Planning and Public Works staff regarding the existing well on the lot to be severed.

CARRIED.

B13-19-7; A13-04-7 – Richard & Louise Leadsom (Part Lot 1, Plan 518, Town of Tillsonburg)

Richard & Louise Leadsom, together with their agent, Laverne Kirkness, were in attendance. L. Kirkness reviewed the late correspondence received from the Council of the Town of Tillsonburg. He explained that his clients have lived on the property for 53 years. He passed around to the Committee his presentation. He stated that he and his clients are disappointed with Planning staff in that they were not receptive of his clients' proposal. He indicated that he sent 97 letters to the abutting neighbours in the area, and only 4 neighbours objected to the proposal. Their concerns were regarding the height of the dwelling proposed. The Leadsoms have agreed to construct a single storey detached dwelling. He stated that it was his opinion that the proposal is in keeping with the Official Plan policies. The lot proposed is compatible with the surrounding lots in the area, and is in character with the surrounding area. The lot proposed is 25 per cent larger than required by the By-law. The lot is square and short on lot depth and rear yard. A 1,500 to 2,000 sq. ft. dwelling would fit on the lot. He stated that it was his opinion that the proposed severance meets the intensification and infill policies of the Official Plan.

The purpose of the Application for Consent is to create a residential building lot. The lot to be severed will cover an area of 632.5 sq. m (6,808.6 sq. ft.) and is currently vacant. A single detached dwelling is proposed to be constructed. The lot to be retained will also cover an area of 632.5 sq. m (6,808.6 sq. ft.) and contains an existing single detached dwelling.

Minor Variances are requested from Table 6.2: Zone Provisions of the Residential Type 1 (R1) Zone of the Town of Tillsonburg Zoning By-law No. 3295:

<u>Section</u>	<u>Required</u>	<u>Proposed</u>
Lot Depth (Severed & Retained Lots)	32.0 m (105 ft.)	25.15 m (82.51 ft.)
Rear Yard Setback (Retained Lot)	12.0 m (39.3 ft.)	5.64 m (18.5 ft.)
Front Yard Setback ((Retained Lot)	7.5 m (24.6 ft.)	7.32 m (24 ft)

G. Hough reviewed the staff Planning Report. He pointed out that the subject property is situated at the corner of two main streets in the Town. He stated the proposed severance does not fit into the character of the area. He noted that Tillsonburg Council recommended in support of the application, provided the owners construct a single-storey dwelling. He explained that additional minor variances will be required prior to construction. Those minor variances could be addressed through the zone change process. He indicated that Planning staff is not supportive of the severance and minor variance application.

L. Kirkness agreed that further minor variances can be addressed through the zoning process. He stated that there was a mix of development in the area.

G. Brumby suggested that there was no change in the recommendation from the previous month when the application was deferred.

J. de Bruyn discussed the orientation of the lot.

H. Elliott indicated that the intersection of North Street and Quarter Townline is very busy and that another driveway would be a disadvantage.

G. Brumby pointed out that there already is a new driveway on Quarter Townline.

It was noted that no comments were received regarding access.

W. Buchanan suggested that the infill policies are desirable and that there was not much of a deviation to the character of the neighbourhood.

M. Hacon discussed the zoning on the property. In response, G. Hough stated that if the application is approved, there will be a requirement to re-zone the subject property to include a provision limiting the height of the new dwelling to one-storey.

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

'Granted'

NOT CARRIED.

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

"Not Granted"

B-13-19-7

REASON:

1. The application is not consistent with the Official Plan policies respecting street oriented infill severances.

A13-04-7

REASONS:

1. The variances requested are not minor variances from the provisions of the Town of Tillsonburg Zoning By-law No. 3295.
2. The variances requested are not desirable for the appropriate development or use of the land, building or structure.
3. The variances requested are not in keeping with the general intent and purpose of the County of Oxford Official Plan.
4. The variances requested are not in keeping with the general intent and purpose of the Town of Tillsonburg Zoning By-law No. 3295.

CARRIED.

On the motion of J. Palmer, the Committee meeting adjourned at 12:40 p.m.

"John de Bruyn"

CHAIRPERSON