

MINUTES

OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, March 7, 2013

The Oxford County Land Division Committee met in the Council Chambers, County Administration Building, Woodstock, Ontario, on Thursday, March 7, 2013 at 9:05 a.m. with the following individuals:

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

DECLARATION OF CONFLICT OF INTEREST:

None.

APPROVAL OF MINUTES:

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

"The Minutes of the Meeting of January 10, 2013, be approved as printed and circulated."

CARRIED.

BUSINESS ARISING FROM MINUTES:

None.

GENERAL BUSINESS:

The Committee questioned the Corporate Manager (G. Hough) about the new report formats. Mr. Hough indicated that through the new County CAO, a new report format was established for County Council reports. In response to this, and to keep the writing of reports more consistent for the Planners, the new format was also adopted for reports to the local municipalities and the Land Division Committee.

M. Hacon suggested, and members J. Palmer, H. Elliott and G. Brumby agreed, that the recommendation section should remain at the end of the report. This would give the members a chance to form their own opinion based on the information contained in the report and not on the conclusion/recommendation at the beginning.

The Committee briefly discussed the process of rehearing deferred applications and the timing involved. G. Hough indicated that the Secretary-Treasurer kept track of the applications that have been deferred and communicates with the owner/applicants on a regular basis, whether monthly, semi-annually or annually. The Committee suggested that perhaps the Planning office should come up with a policy regarding deferrals and requested that the Corporate Manager report back to the Committee for further discussion.

Correspondence was received from Troy Harrett of Tru-Built Construction, agent for William Ring and Lisa Buchanan-Ring (Application B12-26-6) requesting a deferral of the application to allow him additional time to further review the application.

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

“That Application B12-26-6 (William Ring & Lisa Buchanan-Ring) be deferred to allow the owners and their agent additional time to further review the application.”

CARRIED.

CORRESPONDENCE:

Regarding Application B12-70-2 – S. Heeg & R. Heeg-Falkena:

Correspondence dated March 1, 2013 indicating no concerns was received from Hydro One.

The Township of East Zorra-Tavistock Council's resolution, dated March 6, 2013 was received indicating no objection to the application.

Regarding Application B13-02-4; A13-01-4 – R. McLean:

A letter of concern dated March 1, 2013 was received from Brian Graydon (Eldon View Holdings Inc.), a neighbouring property owner. He asks if the Committee would consider the restriction of agricultural uses on the retained property.

An email dated March 4, 2013 was received from Dawne Fewster, a neighbouring property owner. She indicates no objection to the severance, however, has some concerns with the conditions regarding no livestock and no new residential dwellings on the lands to be retained.

Township of East Zorra-Tavistock Council resolution dated March 6, 2013 was received indicating no objection to the application.

APPLICATIONS FOR CONSENT:

B-12-64-8, B12-65-8 & B12-66-8; A12-10-8- Danny Finoro (Part Lot 1C, Plan 216, City of Woodstock)

Danny Finoro, owner, was in attendance for this application. Also in attendance was Mr. Finoro's agent, Mr. Shawn McGuire, Lunor Group inc., 66 Arrow Road, Unit 68, Guelph, ON N1K 1T4.

S. McGuire stated that they were in agreement with the report conclusions and conditions. He indicated that there were some issues raised at the Woodstock City Council meeting with respect to access for the lots to be severed and retained. He indicated that the two accesses would remain, one to serve the lot to be retained and one to serve the lots to be severed.

The applicant proposes to sever one parcel as a residential lot addition and to create two new building lots for single detached dwellings. The lot to be severed by B12-64-8 is approximately 827.8 m² (8,910.6 ft²) in size with a width of 15.3 m (50.2 ft.) and no street frontage. The said lot is occupied by a portion of the existing single detached dwelling which is to be re-located to the northeast portion of the property. This lot is to be added to the abutting property to the immediate west (640 Devonshire Avenue) which is occupied by an existing single detached dwelling.

The lot be severed by B12-65-8 will cover an area of approximately 729.7 m² (7,854.7 ft²) and contains a portion of the above-noted existing single detached dwelling. The lot to be severed by B12-66-8 will cover an area of approximately 1,613 m² (17,362.8 ft²) and is also partially occupied by the existing single detached dwelling. The lot to be retained resulting from the noted consents covers an area of 1,486 m² (15,995.7 ft²) and will be the 'parcel' to which the existing single detached dwelling will be relocated. It is proposed that a single-detached dwelling will be constructed on each of the two lots to be severed by B12-65-8 and B12-66-8.

Permission is sought from Section 6.2, Lot Frontage, to reduce the lot frontage of the lot to be severed (B12-66-8) to 6.0 m (19.7 ft.) in place of the 12 m (39.37 ft.) required by the City of Woodstock Zoning By-law No. 8626-10.

The subject lands front on and have direct access to Devonshire Avenue, which is a paved road under the jurisdiction of the County of Oxford. Surrounding uses are predominately single detached dwellings to the north, east and west. The lands to the south are occupied by the former Sainte Marguerite Bourgeoys School.

G. Hough presented the report to the Committee, speaking to the Provincial Policy Statement (PPS) and the policies of the County Official Plan regarding backyard infill provisions. This application is consistent with the PPS and complies with the County Official Plan and as such, can be supported by the Community and Strategic Planning Office.

G. Hough asked Mr. McGuire for clarification of the access issue and that there will be two accesses from Devonshire Avenue. Mr. McGuire confirmed that one access will remain for the lot to be retained and the second access may be moved but will serve the two new lots. An agreement will need to be entered into between the owners of the lots to be severed for a shared access.

J. Palmer questioned why a survey confirming lot sizes and building setbacks was included in the conditions for application B12-64-8. G. Hough explained that more recently, this condition has been requested by the City of Woodstock.

J. Palmer also made comments regarding the property's location and proximity to the school to the immediate south. He also indicated that he was in agreement with the condition requiring an arborist tree preservation plan as there are many large spruce trees on the property.

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

"Granted"

B12-64-8

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 Section 50(3) & (5) of the Planning Act, R.S.O., 1990, as amended, and be reflected on the certificate.
2. The owner shall agree, in writing, to satisfy all requirements, financial and otherwise, of the City of Woodstock, regarding the installation of services and drainage facilities.
3. The owner shall confirm that no underground or overhead services serving the retained lot traverse the severed lot and visa versa. Where such services exist, the owner shall relocate the services or obtain private easements over the severed and/or retained lots, to the satisfaction of the City of Woodstock.
4. The owner shall provide a recent survey confirming lot sizes and building setbacks, to the satisfaction of the City of Woodstock Engineering Department.
5. The applicant shall remove or relocate the existing single detached dwelling with the appropriate building permits to the lot to be retained (resulting from Consent B12-66-8), to the satisfaction of the City of Woodstock Building Department.
6. Prior to final approval, the owner shall provide a drainage and grading plan for the severed and retained parcels to the satisfaction of the City of Woodstock, including the location of all buildings, structures and parking areas proposed for the site.
7. 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.

8. 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.

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

'Granted'

B12-65-8

CONDITIONS:

1. The owner shall dedicate a road widening of 3.0 m (9.8 ft.) adjacent to Devonshire Avenue along the frontage of the lot to be severed and the lot to be retained to the County of Oxford, free of all costs and encumbrances, to the satisfaction of the County Director of Public Works.
2. The owner shall enter into a Severance Agreement with the City of Woodstock as set forth in the City of Woodstock By-law No. 5266-76, and amendments thereto.
3. The owner shall agree, in writing, to satisfy all requirements, financial and otherwise, of the City of Woodstock, regarding the installation of services and drainage facilities.
4. The owner shall confirm that no underground or overhead services serving the retained lot traverse the severed lot and visa versa. Where such services exist, the owner shall re-locate the services or obtain private easements over the severed and/or retained lots, to the satisfaction of the City of Woodstock.
5. The owner shall provide a recent survey confirming lot sizes and building setbacks, to the satisfaction of the City of Woodstock Engineering Department.
6. The applicant shall remove or relocate the existing single detached dwelling with the appropriate building permits to the lot to be retained (resulting from Consent B12-66-8), to the satisfaction of the City of Woodstock Building Department.
7. The owner shall agree, in writing, to submit an arborist tree preservation plan with a footprint of the proposed residences to the satisfaction of the City of Woodstock Park Supervisor.
8. Prior to final approval, the owner shall provide a drainage and grading plan for the severed and retained parcels to the satisfaction of the City of Woodstock, including the location of all buildings, structures and parking areas proposed for the site.
9. The Clerk of the City of Woodstock advise the Secretary-Treasurer of the Land Division Committee that all requirements of the City of Woodstock have been complied with.

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

REASONS:

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

CARRIED.

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

'Granted'

B12-66-8

CONDITIONS:

1. The owner shall dedicate a road widening of 3.0 m (9.8 ft.) adjacent to Devonshire Avenue along the frontage of the lot to be severed and the lot to be retained to the County of Oxford, free of all costs and encumbrances, to the satisfaction of the County Director of Public Works.
2. The owner shall enter into a Severance Agreement with the City of Woodstock as set forth in the City of Woodstock By-law No. 5266-76, and amendments thereto, including a clause stating that the sanitary sewer for the property will be by gravity flow and that a sanitary pump will only be permitted for fixtures in a basement.
3. The owner shall establish a shared access easement (including a private maintenance agreement) over the lot to be severed in favour of the lot to be created by B12-65-8, to the satisfaction of the City of Woodstock and the County of Oxford Public Works Department.
4. The owner shall agree, in writing, to satisfy all requirements, financial and otherwise, of the City of Woodstock, regarding the installation of services and drainage facilities.
5. The owner shall confirm that no underground or overhead services serving the retained lot traverse the severed lot and visa versa. Where such services exist, the owner shall relocate the services or obtain private easements over the severed and/or retained lots, to the satisfaction of the City of Woodstock.
6. The owner shall provide a recent survey confirming lot sizes and building setbacks, to the satisfaction of the City of Woodstock Engineering Department.
7. The applicant shall remove or relocate the existing single detached dwelling with the appropriate building permits to the lot to be retained, to the satisfaction of the City of Woodstock Building Department.
8. The owner shall agree, in writing, to submit an arborist tree preservation plan with a footprint of the proposed residences to the satisfaction of the City of Woodstock Park Supervisor.
9. Prior to final approval, the owner shall provide a drainage and grading plan for the severed and retained parcels to the satisfaction of the City of Woodstock, including the location of all buildings, structures and parking areas proposed for the site.

10. Prior to the issuance of the certificate for Application B12-66-8, the certificates for Applications B12-64-8 and B12-65-8 be issued, the Transfers registered and copies of the receipted Transfers are provided to the Secretary-Treasurer of the Land Division Committee.
11. 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.
12. 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.

A12-10-8

CONDITION:

1. The relief granted shall apply to recognize a reduced lot frontage for application B12-66-8 from the required 12.0 m (39.37 ft.) to 6.0 m (19.6 ft.).

REASONS:

1. The variance requested is a minor variance from the provisions of the City of Woodstock Zoning By-law No. 8626-10.
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 City of Woodstock Zoning By-law No. 8626-10.

CARRIED.

B12-68-8 – Starbank Developments 1678 Corp. (Part Lot 18, Conc. 2, City of Woodstock)

Michelle Doornbosch, agent for the owner, was in attendance to present the application to the Committee. She indicated that this application is essentially the same as the application granted by the Committee in 2011. The owners have made this application to allow them the opportunity to sell either parcel at any time. Under the 2011 application, the severed parcel would have to have been transferred (sold) first.

The application for consent is to sever a commercial development and retain a vacant industrially-zoned lot. The lot to be severed will cover an area of 3.86 ha (9.56 ac) and is occupied by commercial development comprising a number of retail and service oriented uses. The lot to be retained will cover an area of 1.83 ha (4.53 ac) and consists of vacant industrial lands.

G. Hough presented the report to Committee and indicated that the lots have already been created through the application submitted in 2011. He informed the Committee that the Secretary-Treasurer can only issue one certificate (for the lot to be severed) for each application. This application is the result of the owner's wish to sell either lot at any time, hence the need for another certificate. The lot to be severed by this application is the same as the lot to be retained in the previous application. The land use issues have been previously dealt with and this application is merely an administrative exercise. The application is consistent with the policies of the PPS and complies with the Oxford County Official Plan.

There were no questions or comments from Committee members.

M. Doornbosch indicated that she is satisfied with the conditions and has no concerns.

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

"Granted"

B12-68-8

CONDITIONS:

1. 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.
2. 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.

B12-70-2 – Sjoerd Heeg & Rinske Heeg- Falkena (Part Lot 36, Conc. 19, Township of East Zorra-Tavistock, formerly East Zorra)

Caroline Baker, GSP Group was in attendance on behalf of the owners and presented the application to the Committee. She indicated that the application is for a minor expansion to the Zorra Mennonite Cemetery to add another 50-75 plots. She indicated that an application for zone change for the land to be severed has been submitted. She also indicated that she is in agreement with the report and recommendations for this application.

The purpose of the Application for Consent is for a lot addition to the existing cemetery to the immediate west. The lot to be severed will cover an area of 0.188 ha (0.47 ac) and is vacant. The lot to be enlarged covers an area of 0.1 ha (0.24 ac). The lot to be retained will cover an area of 25.09 ha (62 ac), contains two barns and an accessory single-detached dwelling, and will continue to be used for agricultural purposes.

G. Hough presented the report to the Committee indicating that the application is consistent with the PPS and complies with the County Official Plan.

There were no questions or comments from Committee members.

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

“Granted”

B12-70-2

CONDITIONS:

1. The lot to be severed be appropriately re-zoned.
2. The parcel intended to be severed be conveyed to the abutting landowner to the immediate north and west 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.
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 East Zorra-Tavistock.
4. 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.
5. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year of the mailing of this Notice of Decision. If all conditions are not met within one year, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within one year, the consent herein shall lapse.

REASONS:

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

CARRIED.

B12-72-3 – Hendrik J. Rietveld (Part Lot 16, Conc. 1, Township of Norwich, formerly North Norwich)

Hendrik Rietveld, owner and his solicitor, Gord Klein were in attendance for this application.

G. Klein presented the application indicating that his client wished to create a residential lot in the Village of Burgessville.

The purpose of the application for consent is to create a new residential lot within the Village of Burgessville. The lot to be severed is proposed to be 2,800 m² (30,139.9 ft²) in area, with a frontage of 28.5 m (93.5 ft.) along County Road 59, and a depth of 83.5 m (273.9 ft.) and is currently vacant with the exception of a temporary fruit stand that will be removed. A new single detached dwelling is proposed for the lot to be severed. Land uses surrounding the lot to be severed are comprised mainly of residential uses, at the single detached scale to the east, as well as an institutional use (the Burgessville Baptist Church and cemetery) to the south.

The lot to be retained is approximately 52.6 ha (130 ac) in area with a frontage of 388 m (1,272.2 ft.) along County Road 59, and a depth of 1,024 m (3,359.6 ft.). Currently existing on the lot to be

retained is a barn, a silo, 2 accessory structures, an accessory single detached dwelling and a garage. The lot to be retained is located west of the Village of Burgessville and is designated as Agricultural Reserve in the County of Oxford Official Plan. Surrounding land uses are predominately agricultural, with residential to the east (in the Village of Burgessville), and 2 Residential Existing lots in the south east portion of the lot to be retained. The lot to be retained is intended to remain in agricultural production.

G. Hough presented the report to the Committee indicating that the lot to be severed is located within the settlement boundary of the Village of Burgessville. Even though the lot frontage is shy of the minimum required by the Township of Norwich By-Law, this shortage will be dealt with by ensuring a greater lot depth to maintain a minimum lot area to accommodate sewage services as required by the Public Health & Emergency Services department. The deficient lot frontage will be recognized in the amending zoning by-law for the lot to be severed.

G. Hough indicated that the application is consistent with the PPS and complies with the policies of the County Official Plan.

J. Palmer questioned where the settlement boundary lies for the Village of Burgessville.

G. Hough indicated that the settlement area is delineated on Plate 1A of Report No. 2013-27 and shown as the area in gold.

J. Palmer then questioned why the whole of the Deere subdivision was not included within the settlement boundary. G. Hough could not elaborate on any specifics of this anomaly, other than to suggest that the extent of the settlement boundary appears to have been interpreted to include the whole of the affected subdivision.

G. Brumby clarified that the only reason why this application could be accepted is because the lot to be severed was within the boundary of the Village of Burgessville. G. Hough indicated this was correct.

J. de Bruyn questioned why MDS was not applied to this application. G. Hough indicated that the MDS measurements would be taken from the settlement boundary. The new lot is already within the settlement area, therefore MDS does not apply.

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

“Granted”

B12-72-3

CONDITIONS:

1. The lot to be severed be appropriately rezoned.
2. The westerly lot line of the lot to be severed be shifted to the east approximately 0.5 m (1.6 ft.) and the rear lot line be shifted to the north a sufficient distance to maintain a minimum area of 2,800 m² (30,139 ft²) for the said severed lot and that the application form be amended accordingly to the satisfaction of the Secretary-Treasurer.
3. If required, the applicant shall enter into a standard severance agreement with the Township of Norwich to the satisfaction of the Township.
4. 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 Township of Norwich.
5. 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.

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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.

B13-02-4; A13-01-4 – Robert McLean (Part Lots 11 & 12, Conc. 5, Township of South-West Oxford, formerly Dereham)

Alister MacLean, agent for the owner was in attendance for this application.

Also in attendance were the following neighbouring property owners:

Barbara Crossley 46 Graydon Drive Mount Elgin ON N0J 1N0	Arnold Fewster 324057 Mount Elgin Road R. R. #2 Mount Elgin ON N0J 1N0	Ryan Fewster 324032 Mount Elgin Road R. R. #2 Mount Elgin ON N0J 1N0
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A. MacLean presented the application indicating he was concerned with the suggestion that the well on the lands to be retained be decommissioned. He indicated that the well was still used by the farm and wished for it to remain in use. He requested clarification regarding the livestock provision within the report. He indicated he was in agreement with the conditions as presented.

The applicant proposes to sever approximately 0.5 ha (1.24 ac) for residential purposes in the Village of Mt. Elgin and retain approximately 19.9 ha (49.2 ac) for continued agricultural (crop) production. The lot to be severed contains an existing 2-storey single detached dwelling (c. 1900), an outdoor in-ground pool and a small garden shed which houses a wood furnace. The lot to be retained is within the "Agricultural Reserve" designation and is presently occupied by two (2) outbuildings. No new buildings are proposed for the lot to be retained.

Permission is sought from Section 8 (General Agricultural Zone (A2)), Table 8.2, Frontage, to permit a lot frontage of the lot to be retained of 30.78 m (101 feet) in place of the 100 m (328 feet) required by the Township of South-West Oxford Zoning By-law No. 25-98.

G. Hough presented the planning report to the Committee. He indicated that the lot to be retained is deficient in lot area under the Township of South-West Oxford Zoning By-Law and this deficiency would be recognized under the amending zoning by-law required for the retained lands. Prior to issuance of a building permit for a new dwelling on the lot to be retained, a farm viability plan would be required and the matter would be considered by the Township Council. In response to A. MacLean's concern regarding the livestock provision, he indicated that the livestock usage on the lot to be retained is legal non-conforming.

G. Hough indicated that the application is consistent with the PPS and complies with the policies of the County Official Plan.

B. Crossley commented that she was happy to see that the lands to be retained would remain in an agricultural designation. She was concerned that they would become development lands.

A. Fewster was also concerned that the retained lands be kept in agricultural production. He did not wish to see the retained lands developed. At this time, there are a sufficient number of building lots available within Mount Elgin. He also questioned the number of livestock allowable on the retained lands. In response, G. Hough indicated that, under legal non-conforming status, the same number of 'animal units' would be allowed as what exists there now.

R. Fewster also commented that he was in agreement that the retained lands remain in agricultural production. He also indicated that the water supply in Mount Elgin is not optimal and therefore, the well should remain in use on the lands to be retained.

J. Palmer questioned why the village boundary of Mount Elgin was not shown on the Plates within the Planning report. G. Hough verbally delineated the boundary for the Committee members.

J. Palmer questioned A. MacLean as to where the entrance for the severed parcel would be located. A. MacLean indicated (using Plate 3 from the report) the location of the entrance.

J. Palmer questioned if Mount Elgin Road was a County owned road. G. Hough indicated that east of Plank Line the County has jurisdiction, but not west along the frontage of the subject lands.

G. Brumby thanked the neighbours for coming to support the application by R. McLean. He questions if the rear lot line, as shown on Plate 2 of the Planning report was to be moved to the north. G. Hough responded in the affirmative. The lot line will be moved such that the resultant area of the lot to be severed will be approximately 1 acre (0.4 ha).

J. de Bruyn questioned why MDS was not applied to this application. G. Hough explained, as with the application under B12-70-3, the lot to be severed is within the village boundary, and as such MDS measurements would only extend to the boundary and not affect this application.

A. MacLean had no further comments.

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

"Granted"

B13-04-4

CONDITIONS:

1. The depth of the lot to be severed be reduced sufficiently so that the total Lot Area of the said lot not exceed approximately 0.4 ha (1.0 ac).
2. The lot to be severed and the lot to be retained be appropriately re-zoned.
3. The owner enter into a standard Severance Agreement with the Township of South-West Oxford, to the satisfaction of the Township. The agreement shall include provisions to require connection of the lot to be severed to the available municipal services and to require the owner to notify any purchaser of the lot to be severed of the water and wastewater connection fees payable to the County, unless the owner pays the connection fees prior to the sale.
4. 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.

5. Drainage assessment re-apportionment shall 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 South-West Oxford.
6. 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.
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.

A13-01-4

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

"Not Granted"

REASON:

1. The variance requested is not required as all matters related to the zoning of the retained lot will be addressed through the required Zoning By-law amendment and, as such, the requested variance is not considered to be desirable for the development of the lands.

CARRIED.

B13-03-2 – Raymond & Michele Gauthier (Lot 14, Plan 41M-115, Township of East Zorra-Tavistock, [Innerkip])

Raymond Gauthier was in attendance to present his application. Also in attendance was a neighbouring property owner; Joe Kutrucz, 88 Park Avenue, Innerkip ON N0J 1M0.

R. Gauthier indicated that he wished to sever a residential building lot from his property. He presented his application by starting with a powerpoint presentation reviewing relevant sections of the PPS and those of the County Official Plan relating to infill and comments from a recent Ontario Municipal Board decision with respect to an abutting property.

The purpose of the Application for Consent is to create a residential building lot. The lot to be severed will cover an area of 583.3 sq. m (6,300 sq. ft.) and contains no buildings or structures. The lot to be retained will cover an area of 1,155.1 sq. m (12,432 sq. ft.) and contains an existing single detached dwelling and a pool. It is proposed that a single detached dwelling will be constructed on the lot to be severed. The owners have also applied for a Partial Discharge of Mortgage.

G. Hough presented the Planning report indicating that an additional condition needs to be added. This condition is the standard condition relating to drainage apportionment and was requested to be included by the Township. G. Hough went on to state that the application is consistent with the PPS and complies with the policies of the County Official Plan.

J. Kutrucz commented that the proposed lot size is not consistent with other lots in this area of the subdivision. Both the frontage and depth of the proposed lot are half of neighbouring lots. He is also concerned that this consent may negatively impact his property value. R. Gauthier indicated that the lot size is 60' x 105'.

M. Hacon inquired whether the westerly lot line of the severed lot is adjacent to the pool of the retained lot. G. Hough indicated that westerly lot line of the severed lot will have to be located in such a manner that it conforms to the setbacks of the retained lot (i.e. 4 foot minimum from an accessory structure).

J. de Bruyn questioned if the fence delineated the new property line. R. Gauthier replied in the affirmative.

J. Kutrucz inquired as to who would pay for the installation of services. G. Hough indicated that all costs with servicing the severed parcel would be borne by either R. Gauthier or the purchaser of the severed parcel.

J. deBruyn indicated that since the property is on services, will there be any decommissioning of wells or septics involved. G. Hough responded that there are no services needing decommissioning.

J. Kutrucz enquired about the minimum/maximum house size allowed on the severed lot. G. Hough indicated the maximum house footprint is limited by the lot coverage and setback provisions of the Township of East Zorra-Tavistock Zoning By-law.

J. Kutrucz also enquired about the trees on the property and what would happen to them. J. deBruyn indicated this Committee has no input as to the fate of the trees.

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

"Granted"

B13-03-2

CONDITIONS:

1. The owners enter into a Severance Agreement with the Township of East Zorra-Tavistock.
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. The owners submit a payment of \$1,000.00 cash-in-lieu for parkland purposes to the Township of East Zorra-Tavistock, to the satisfaction of the Township.
4. If required, drainage assessment re-apportionment be undertaken, pursuant to Section 65 of The Drainage Act, R.S.O., 1990, at the applicant's expense, to the satisfaction of the Township of East Zorra-Tavistock.
5. 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.

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.

On the motion of J. Palmer, the Committee meeting adjourned at 11:10 a.m.

"John de Bruyn"

CHAIRPERSON