

## MINUTES

### OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, September 5, 2013

The Oxford County Land Division Committee met in the Council Chambers, County Administration Building, Woodstock, Ontario, on Thursday, September 5, 2013 at 9:00 a.m. with the following individuals:

Chair	-	J. de Bruyn
	-	G. Brumby
	-	W. Buchanan
	-	H. Elliott
	-	M. Hacon
	-	J. Palmer

Director	-	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 August 1, 2013, be approved as printed and circulated."*

CARRIED.

#### BUSINESS ARISING FROM MINUTES:

J. Palmer requested an update on the Leadsom and Tru-Built Construction applications that were appealed to the Ontario Municipal Board. G. Hough briefly explained that a report was considered by County Council regarding Tru-Built and Council has decided to not participate at this hearing. As such, the LDC's position will not be 'defended' by the County and the only opposition to the appeal will come from any third party objectors that choose to participate. Planning staff may be subpoenaed by the application to give evidence in support of the application. Regarding Leadsom, the County will participate in this hearing as a party (fully supported by a solicitor and County staff) as the LDC's decision was in-keeping with the staff recommendation to deny the severance.

#### GENERAL BUSINESS:

None.

#### CORRESPONDENCE:

None.

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APPLICATIONS FOR CONSENT:

B13-47-8; A13-10-8 & B13-48-8; A13-11-8 – Jan Kubicki & Anna Kubicka (Lots 61 & 62, Plan 212, City of Woodstock)

Jan Kubicki & Anna Kubicka were in attendance to present the application. J. Kubicki briefly explained his application and requested a favourable decision of the Committee.

The purpose of the Applications for Consent is to create two residential building lots. The lot to be severed by B13-47-8 will cover an area of 823.4 sq. m (8,863.3 sq. ft.) and the lot to be severed by B13-48-8 will cover an area of 1,218.5 sq. m (13,116.3 sq. ft.). An existing single detached dwelling which straddles the lot line between these two lots will be demolished and a new single detached dwelling will be constructed on each of the two lots to be severed. The lot to be retained will cover an area of 704.1 sq. m (7,579.12 sq. ft.) and contains an existing single detached dwelling. The owners are requesting a 7.0 m x 32 m (23 ft. x105 ft.) mutual easement for access purposes between the two lots to be severed. The owners have also applied for a Partial Discharge of Mortgage.

Permission is sought from Section 7.2 – Table 7.2, Lot Frontage, to permit a lot frontage for the two lots to be severed of 7.1 m (23.2 ft) in place of the 9.0 m (30 ft) required by the City of Woodstock Zoning By-law No. 8626-10.

G. Hough briefly reviewed the staff Planning Report. He explained that two infill lots are proposed. The subject property is located within the Low Density Residential area of Woodstock according to the Official Plan and complies with the relevant policies. The application is consistent with the 2005 Provincial Policy Statement (PPS). He stated that there is sufficient area on the proposed lots to construct the single detached dwellings. There is a mixture of lot sizes and configurations in the area. The property is currently zoned Residential Type 2 (R2). A minor variance is requested from the lot frontage provisions for the two lots to be severed. A mutual access easement has been requested between the two severed lots; however, each lot has their own frontage. Staff of the City of Woodstock has confirmed that fencing will be required. Correspondence was received at the Woodstock Council meeting in support of the applications.

J. Kubicki stated that he will be improving the property. The existing old home straddling the lot line between the two severed lots will be removed.

B13-47-9; A13-10-8

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

*'Granted'*

B13-47-8

CONDITIONS:

1. 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. The agreement will be registered on title by the owner.
2. The owners shall establish a shared access easement (including a private maintenance agreement) over the lot to be severed and the lot to be severed by B13-48-8, to the satisfaction of the City of Woodstock.
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 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 owners shall provide a recent survey confirming lot sizes and building setbacks, to the satisfaction of the City of Woodstock Engineering Department.
6. The owners shall remove the existing dwelling with the appropriate demolition permit, to the satisfaction of the City of Woodstock Building Department.
7. The severance agreement will contain a clause that the owner agrees to construct a 1.8 m high privacy fence along the west property line from a point 6 m south of the street line to the southwest corner of proposed lot.
8. Prior to final approval, the owners shall provide a drainage and grading plan for the severed and retained lots, including the location of all buildings, structures and parking areas proposed for the site, to the satisfaction of the City of Woodstock.
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.

A-13-10-8

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.

B13-48-8; A13-11-8

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

*'Granted'*

B13-48-8

CONDITIONS:

1. 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. The agreement will be registered on title by the owner.
2. The owners shall establish a shared access easement (including a private maintenance agreement) over the lot to be severed and the lot to be severed by B13-47-8, to the satisfaction of the City of Woodstock.
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 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 owners shall provide a recent survey confirming lot sizes and building setbacks, to the satisfaction of the City of Woodstock Engineering Department.
6. The owners shall remove the existing dwelling with the appropriate demolition permit, to the satisfaction of the City of Woodstock Building Department.
7. Prior to final approval, the owners shall provide a servicing and grading plan for the severed and retained lots, including the location of all buildings, structures and parking areas proposed for the site, to the satisfaction of the City of Woodstock. This plan shall also confirm the location of the servicing on the lot to be retained and whether a private easement may be required.
8. The severance agreement will contain a clause that the owner agrees to construct a 1.8 m high privacy fence from the southeast corner of the lot to be retained to the southeast corner of proposed lot.
9. The certificate for Application B13-47-8 be issued, the transfer registered and a receipted copy of the transfer be provided to the Secretary-Treasurer of the Land Division Committee, prior to the issuance of the certificate.
10. 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.
11. 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.

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A-13-11-8

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.

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W. Buchan did not take part in the hearing as he was not in attendance for the original hearing of the application, and left the proceedings.

B13-36-2; A13-09-2 – 2188429 Ontario Inc. (Lot 3, Plan 820, Township of East Zorra-Tavistock – Hickson)

Arnold Spina was in attendance to present his application.

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. He indicated that at the previous hearing of the application in August, Planning staff were not in support of the application in light of comments received from the County Public Works Department. The application was deferred by the Committee to permit the owner to meet with Public Works and Planning staff to further discuss the existing services on the properties. G. Hough pointed out that a meeting was held and that Public Works has now removed their objections. He noted that the County Public Health comments did not change; they did not state that they were opposed to the application. In respect to the minor variances requested, G. Hough stated that East Zorra-Tavistock staff's opinion is that the variances are not minor and, therefore, the recommendation is that the variance application be withdrawn and the owner proceed by way of a zone change application. Therefore, the lot sizes and any other relevant zoning provisions can be dealt with through the re-zoning process.

A. Spina stated that he concurred with the findings and suggested conditions of the staff Planning Report.

M. Hacon asked whether two good two septic systems were confirmed. In response, G. Hough stated that the septic system on the retained lot is new and that Public Health is satisfied that the system on the severed lot is in good working order.

In response to J. De Bruyn's question about the proposed zoning for the properties, G. Hough noted that there would be two separate zones, one for each property, recognizing the lot dimensions of the two lots. The zoning will restrict future construction on both lots. He also indicated that a condition of severance has been recommended requiring a shared well agreement between the two properties.

M. Hacon asked the owner to point out the location of the well. A. Spina stated that the well is located directly behind the house on the lot to be retained.

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

*'B13-26-2 – Granted;  
A13-09-2 – Withdrawn'*

CONDITIONS:

1. The lots to be severed and retained be appropriately re-zoned to restrict any future additions that would increase the wastewater flows or reduce the available area for a replacement septic tile bed that meets Ontario Building Code Guidelines and to address any deficiencies regarding the provisions of the Township's Zoning By-law.
2. The owner enter into a standard Severance Agreement with the Township of East Zorra-Tavistock, to the satisfaction of the Township.
3. The owner submit a legal survey, stamped by an Ontario Land Surveyor, showing property lines and the locations of structures, wells and septic system components on both properties.
4. If necessary, 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
5. If necessary, the owner submit a payment for cash-in-lieu for parkland purposes, according to the fee in effect at the time the consent is finalized, to the Township of East Zorra-Tavistock, to the satisfaction of the Township.
6. The owner provide a copy of the Water Sharing Agreement or Proof of Probability of Potable Water, to the satisfaction of the Oxford County Public Works Department.
7. If required, a daylight triangle of 5.0 m (16.4 ft.) by 5.0 m (16.4 ft.) at the northeast corner of Highway 59 and Lovey's Street West be dedicated to the County of Oxford, free of all costs and encumbrances, to the satisfaction of the County Director of Public Works.
8. The owner withdraw, in writing, Application A13-09-2, to the satisfaction of the Secretary-Treasurer of the Land Division Committee.
9. 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.

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.

CARRIED.

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W. Buchanan returned to the meeting.

On the motion of J. Palmer, the Committee meeting adjourned at 9:40 a.m.

*"John DeBruyn"*

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CHAIRPERSON