

MINUTES

OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, April 2, 2015

The Oxford County Land Division Committee met in the Council Chambers, County Administration Building, Woodstock, Ontario, on Thursday, April 2, 2015 at 9:00 a.m. with the following individuals:

Chair	-	G. Brumby
	-	H. Elliott
	-	B. George
	-	M. Hacon
	-	R. Jull
	-	T. Rock
	-	A. Tenhove
Director	-	G. Hough
Secretary-Treasurer	-	L. Taschner

The meeting was called to order at 9:00 a.m.

DECLARATION OF CONFLICT OF INTEREST:

None.

APPROVAL OF MINUTES:

Moved by: M. Hacon
Seconded by: A. Tenhove

"The Minutes of the Meeting of March 5, 2015, be approved as printed and circulated."

CARRIED.

BUSINESS ARISING FROM MINUTES:

None.

GENERAL BUSINESS:

L. Taschner provided information on the upcoming OACA conference to be held in Kingston from Sunday, May 31 to Wednesday, June 3, 2015. She confirmed with T. Rock and A. Tenhove that they would be attending the conference.

R. Jull enquired about the Woodlands Conservation By-law Appeal Committee. G. Hough explained that the Committee only deals with those applications requesting Exemptions and gave examples of the types of applications the Committee would deal with.

The Committee discussed lot size requirements for farm parcels. G. Hough explained that the Township of Norwich By-law requires a minimum of 50 acres, but that any farm severance within the Township for less than 75 requires a Farm Viability Plan.

CORRESPONDENCE:

Correspondence dated April 1, 2015, was received from the Council of the Township of East Zorra-Tavistock regarding Application B15-09-2 (Tom & Linda Fulton).

Correspondence dated April 1, 2015, was received from the Council of the Township of East Zorra-Tavistock regarding Application B15-06-2 (William & Cornelia Vink).

Correspondence dated April 1, 2015, was received from Peter Maurer regarding Application B15-08-1 (Heidi M. Faul).

APPLICATIONS FOR CONSENT:

B15-05-7; A15-01-7 – Dave & Cindy Mendler (Part of Block A, Plan 507, Town of Tillsonburg)

Dave & Cindy Mendler were in attendance to present the application. D. Mendler briefly explained the application to the Committee. He indicated that they've lived in the home for 29 years. They have no intention to move and no longer need the large lot. He stated that they concur with the findings and suggested conditions of the staff Planning Report.

The purpose of the Application for Consent is to create a residential building lot. The lot to be severed will cover an area of approximately 531.2 sq. m (5,718 sq. ft) and is currently vacant. The lot to be retained will cover an area of approximately 1,040.1 sq. m (11,196 sq. ft) and contains an existing single detached dwelling and attached garage. 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.

Permission is sought from Section 6.2, Rear Yard, to permit a rear yard for the lot to be retained of 5.7 m (18.7 ft) in place of the 12 m (39.4 ft) required; permission is sought from Section 6.2, Lot Depth, to permit a lot depth for the lot to be severed of 31.83 m (104.4 ft) in place of the 32 m (105 ft) required by the Town of Tillsonburg Zoning By-law No. 3295.

G. Hough reviewed the staff Planning Report. He noted that staff reviewed the streetscape, and pointed out that the lot frontages vary in the area. He stated that the proposed lot makes good use of the lands in the settlement area. Two minor variances are requested, from the lot depth and rear yard provisions of the Town's Zoning By-law. Due to the high water table, the owners will be required to submit a geotechnical report.

D. Mendler stated that he felt that it is premature for him to obtain the geotechnical report at this stage, and that it should be required at the time of construction of the home.

G. Hough pointed out that the Town felt that the report was necessary due to the water table issue, and that this is not an uncommon request prior to the severance proceeding. Further, he noted that the Town of Tillsonburg recommended that the report be obtained at this time.

D. Mendler questioned whether the report should be completed first. In response, G. Hough indicated that contacting the Town directly would be the best approach to take.

T. Rock questioned the future of the trees. In response, D. Mendler stated that one tree in the middle of the lot will need to be removed, and further indicated that four large spruce trees in the back will need to be removed. The maple trees will likely stay. T. Rock questioned the type of home that is to be constructed. In response, D. Mendler indicated it would be a smaller split level home. T. Rock further questioned the lot grading plan and tree retention. In response, G. Hough stated that the issue of trees would be dealt with separately, and noted that the Town did not require retaining the trees.

R. Jull questioned the existing retaining wall. In response, D. Mendler indicated that it is less than 18 inches tall and it will remain on the retained lot. The lot grading plan will determine what is needed to be done.

B. George questioned whether the lots could be more evenly separated. He indicated his concern that the severed lot is not large enough. In response, G. Hough stated that the severance will not affect the streetscape and meets the By-law requirements.

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

"Granted"

B15-05-7

CONDITIONS:

1. The owners enter into a Severance Agreement with the Town of Tillsonburg, to the satisfaction of the Town.
2. The owners shall provide a preliminary lot grading plan for the lot to be severed and the lot to be retained, to the satisfaction of the Town Engineering Department.
3. The owners shall provide a report from a qualified geotechnical professional engineer, to determine existing ground water levels, and recommend Underside of Footing elevations for the proposed structure, to the satisfaction of the Town Engineering Department.
4. The owners provide a building location survey, to the satisfaction of the Town Building Services Department.
5. 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. 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.
6. The Clerk of the Town of Tillsonburg advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Tillsonburg 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 2014 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.

A15-01-7

REASONS:

1. The variances requested are minor variances from the provisions of the Town of Tillsonburg Zoning By-law No. 3295.
2. The variances requested are desirable for the appropriate development or use of the land, building or structure.
3. The variances requested are in keeping with the general intent and purpose of the County of Oxford Official Plan.

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4. The variances requested are in keeping with the general intent and purpose of Town of Tillsonburg Zoning By-law No. 3295.

CARRIED.

B15-06-2 – William & Cornelia Vink (Part Lots 12 & 13, Conc. 17, Township of East Zorra-Tavistock, formerly Township of East Zorra)

Bill Vink together with his solicitor, R. Verhoog were in attendance. R. Verhoog presented the application to the Committee. He pointed out that his clients are proposing to create an agricultural lot. Currently, the severed lot is vacant, while the retained lot contains farm buildings and an accessory single-detached dwelling. He reviewed the late correspondence received from Council of the Township of East Zorra-Tavistock.

The purpose of the Application for Consent is to create an agricultural lot. The lot to be severed will cover an area of approximately 43.55 ha (107.63 ac), is currently vacant, and is in agricultural production. The lot to be retained will cover an area of approximately 40.47 ha (100 ac), contains farm buildings, and an accessory single detached dwelling and is also in agricultural production.

G. Hough reviewed the staff Planning Report and indicated that the subject property is designated agricultural in the Official Plan and is zoned A2 in the Zoning By-law. The severed lot will cover an area of 107 ac, while the retained lot will cover an area of 100 ac. Both lots are consistent with the Provincial Policy Statement, comply with the Official Plan policies, and conform to the Zoning By-law. In response to concerns regarding missing signs, he indicated that the public notice sign was posted on the property. A photo taken by the planner confirms that the sign was up.

R. Verhoog stated that he and his clients concur with the findings and suggested conditions in the staff Planning Report.

T. Rock questioned the owner about the consolidation of the property in 1989. In response, R. Verhoog stated that the severance is requested for estate planning purposes.

In response to R. Jull, G. Hough explained that a house can be constructed on the severed lot. G. Brumby questioned what is stopping the owner from putting the farms back together and removing the new house? G. Hough stated that the home would need to have been built prior to 1995 for any further severances to be supported. The policies allow for the construction of a house; however, the policies do not allow further consolidations to occur.

Moved by: H. Elliott
Seconded by: A. Tenhove

"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 East Zorra-Tavistock.
2. The owners shall enter into a standard Severance Agreement with the Township of East Zorra-Tavistock, to the satisfaction of the Township.
3. 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.

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 2014 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.

B15-04-3 – Westwind Dairy Farms Limited (Part Lot 15, Conc. 2; Lot 2, Plan 239, Township of Norwich, formerly North Village, Burgessville)

Bert Van Maren was in attendance to present the application. He briefly explained the application and pointed out that he purchased the lot to be enlarged in 2007. He noted that he severed two residential lots from that parcel. He purposed the current retained lot two years ago. He now proposes to consolidate the lands with the house. The reason for the jog in the retained lot is to maintain the area of the lot to be retained, as it will be on private services.

The purpose of the Application for Consent is for a residential lot addition. The lot to be severed will cover an area of approximately 1,123.2 sq. m (12,090 sq. ft) and contains a single detached dwelling and a well. It is proposed that the severed lot will be added to the vacant residential lot to the immediate south, covering an area of approximately 1.82 ha (4.5 ac). The lot to be retained contains an existing shed (to be removed), and will cover an area of approximately 2,800 sq. m (30,140 sq. ft).

G. Hough reviewed the staff Planning Report and indicated the property is situated within the Village designation on the Land Use Plan which permits low density residential development. The newly enlarged lot will meet the lot area requirements for the existing two-unit dwelling. He stated that he agrees with the jog in the retained lot as it has been established for the septic system area. Public Health staff was not in agreement with the creation of a smaller lot and an accompanying minor variance recognizing the deficient lot area. The recommendation is to leave the lot as is.

T. Rock questioned whether there was a problem that there was a two-unit building situated on the severed lot to be consolidated with the lands to the south. G. Hough pointed out that the policies permit 2 units. The lot will be appropriately zoned. The building is a single structure containing two dwellings.

R. Jull stated that he can foresee problems if the retained lot has a jog.

G. Brumby suggested removing the jog, and a minor variance recognizing the lot area be approved. G. Hough reiterated that the Public Health Department has recommended the jog and the larger lot area.

G. Brumby questioned the owner if the enlarged lot is to be further developed in the future. In response, B. Van Maren indicated that the Village of Burgessville has not grown quickly. He hopes to hold on to the property. He indicated that he has good tenants living in the residence. The market will dictate the potential future of the property.

Moved by: M. Hacon
Seconded by: B. George

"Granted"

CONDITIONS:

1. The lots to be severed and enlarged be appropriately zoned.
2. The parcel intended to be severed be conveyed to the abutting landowner to the immediate south and consolidated with said owners existing property. Any additional transactions with regard to the severed parcel must comply with Section 50(3) and (5) of the Planning Act, R.S.O., 1990, as amended, and be reflected on the certificate.
3. 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 Norwich.
4. The owners provide Proof of Probability of Potable Water, to the satisfaction of the Oxford County Public Works Department.
5. The existing accessory structures on the lot to be retained be removed, to the satisfaction of the Township of Norwich.
6. The owner properly decommission any abandoned private services located on the lot to be retained, to the satisfaction of the Oxford County Public Health and Emergency Services.
7. If required, the applicant shall enter into a standard Severance Agreement with the Township of Norwich, to the Satisfaction of the Township of Norwich.
8. The Clerk of the Township of Norwich advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Township, financial and otherwise, have been complied with.
9. 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 2014 Provincial Policy Statement.
2. The application for consent complies with the policies of the County of Oxford Official Plan.

CARRIED.

B15-08-1 – Heidi M. Faul (Lots 1 & 2 & Part Lot 5, Block C, Plan 199, Township of Blandford-Blenheim, formerly Blenheim, Drumbo)

Heidi Faul was in attendance to present the application.

The purpose of the Application for Consent is to create a residential building lot. The lot to be severed will comprise approximately 600 sq. m (6,485.5 sq. ft.) and is currently vacant. The lot to be retained will comprise approximately 1,424.5 sq. m (15,333.2 sq. ft.) and contains an existing single-detached dwelling and detached garage. A duplex dwelling is proposed to 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 indicated that the property is located in the Village of Drumbo. The owners intend to construct a duplex dwelling. Currently the property is zoned R1 and the owner has submitted a zone change application to re-zone the lot to R2. There is an existing residence on the retained lot. The policies in the Official Plan speak to infilling and intensification. The proposed use is compatible with the development in the immediate area. A converted dwelling is situated to the north. There are varying property sizes in the area. A mix of housing is envisioned by the policy documents. The property has been approved for water and sanitary services.

M. Hacon questioned how many duplexes are in the area. In response, G. Hough indicated that there are no duplexes; the lot to the north is zoned R1-C and contains an existing two-unit dwelling.

A. Tenhove questioned why the owner would not consider splitting the property in half.

H. Faul stated that the existing trees will not be removed. She explained that she is a project manager and her first thought was to sever the lot off of Matheson Street as opposed to Powell Street.

B. George stated that he was concerned over the small lot to be severed. The house proposed will be too far out in front of the neighbour's house to the west. In response, H. Faul stated that a raised bungalow is proposed to be constructed. She indicated that she spoke to the property owner to the west and he is happy that a home is being constructed on the lot in front of his property, rather than behind him.

G. Brumby stated that he originally was of the opinion that the duplex would not fit on the lot, however, since the duplex will be one unit above the other, he feels it will be suitable for the neighbourhood.

T. Rock questioned whether the retained lot can be further severed. In response, G. Hough indicated that it was potentially feasible.

R. Jull questioned whether the severed lot could be larger by increasing the lot depth. A greater setback could be imposed at the zoning stage.

Moved by: T. Rock
Seconded by: H. Elliott

"Granted"

CONDITIONS:

1. The lot to be severed be appropriately zoned.
2. The existing stoop located on the east side of the existing single-detached dwelling on the lot to be retained and identified on Plate 3 of Report No: CASPO 2015-78 be removed, to the satisfaction of the Township Chief Building Official.
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 Blandford-Blenheim.
4. The Clerk of the Township of Blandford-Blenheim 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 2014 Provincial Policy Statement.
2. The application for consent complies with the policies of the County of Oxford Official Plan.

CARRIED.

B15-09-2 – Tom & Linda Fulton (Lot 31, Plan 1617, Township of East Zorra-Tavistock, formerly Township of East Zorra, Village of Tavistock)

Tom & Linda Fulton were in attendance to present the application. Also in attendance was Dave Nahrgang, 282 William Street South, Tavistock ON N0B 2R0. L. Fulton briefly explained the application to the Committee.

The purpose of the application for consent is to create a residential building lot. The lot to be severed will cover an area of 1,114.8 sq. m (12,000 sq. ft.) and the lot to be retained will cover an area of 1,337.76 sq. m (14,400 sq. ft.). The existing single-detached dwelling and detached garage are to be removed and a new single-detached dwelling will be constructed on both the severed and retained lots. The owners have also applied for a Partial Discharge of Mortgage.

G. Hough reviewed the staff Planning Report. He indicated that the application is consistent with the Provincial Policy Statement, complies with the Official Plan policies and is in conformity with the Zoning By-law.

L. Fulton stated that she concurred with the findings and suggested conditions of the staff Planning Report.

D. Nahrgang stated that he had no issues with the severance.

T. Rock questioned the owners whether they would be removing any trees from the property. In response, L. Fulton stated that they hope to keep as many of the trees as possible.

In response to G. Brumby, L. Fulton stated that all the existing structures are to be removed.

Moved by: M. Hacon
Seconded by: T. Rock

"Granted"

CONDITIONS:

1. The owners shall provide a recent survey of both the severed and retained lots, to the satisfaction of the Township of East Zorra-Tavistock.
2. 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.
3. The owners shall submit a payment for cash-in-lieu for parkland purposes to the Township of East Zorra-Tavistock, to the satisfaction of the Township.
4. The owners shall remove the existing dwelling and detached garage with the appropriate demolition permit, to the satisfaction of the Township of East Zorra-Tavistock Chief Building Official.
5. The owners shall enter into a standard Severance Agreement with the Township of East Zorra-Tavistock, to the satisfaction of the Township.

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

REASONS:

1. The application for consent is consistent with the 2014 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.

B11-45-7; A15-02-7 – George & Clara Ambrus (Part Lot 1478, Plan 500, Town of Tillsonburg)

George Ambrus was in attendance to present the application. He briefly explained the application and noted that he wishes to separate two commercial buildings. The properties merged in title. The building on the severed lot is 90 years, while the building on the retained lot is 45 years old.

The purpose of the application for consent is to separate an existing commercial property. The lot to be severed will cover an area of 195.5 sq. m (2,104.3 sq. ft.) and contains an existing two-storey commercial brick building, with residential apartments on the second floor. The lot to be retained will cover an area of 504.2 sq. m (5,427.3 sq. ft) and also contains an existing two-storey commercial brick building.

A minor variance is sought from Section 13.0, Rear Yard, to permit a rear yard for both the severed and retained lots of 0 m in place of the 6.0 m (19.7 ft) required by the Town of Tillsonburg Zoning By-law No. 3295.

G. Hough stated that the application is consistent with the Provincial Policy Statement, complies with the Official Plan policies and is zoned Central Commercial. A minor variance has also been applied for from the rear yard setback to 0 m for both properties. The application can be looked at favourably.

G. Ambrus stated that he concurred with the findings and suggested conditions of the staff Planning Report.

In response to T. Rock's enquiry about renovating the frontage on Broadway, G. Ambrus stated that the frontage has already been renovated.

T. Rock stated that he did not see the posted sign. In response, G. Ambrus stated that the signs were posted in the window of the Pawn Shop and the second one was posted in the window on Baldwin Street.

T. Rock questioned whether additional parking will be required. In response, G. Hough indicated that no additional parking will be required.

G. Brumby questioned whether the two buildings had a common wall. In response, G. Ambrus pointed out that there is a 4 foot gap between the two buildings and meets the Fire Code.

Moved by: B. George
Seconded by: R. Jull

"Granted"

B11-45-7

CONDITIONS:

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

REASONS:

1. The application for consent is consistent with the 2014 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.

A15-02-7

REASONS:

1. The variance requested is a minor variance from the provisions of the Town of Tillsonburg Zoning By-law No. 3295.
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 Town of Tillsonburg Zoning By-law No. 3295.

CARRIED.

On the motion of M. Hacon, the Committee meeting adjourned at 11:00 a.m.

"Original Signed By"

Gordon Brumby, Chair