

MINUTES

OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, March 3, 2016

The Oxford County Land Division Committee met in the Council Chambers, County Administration Building, Woodstock, Ontario, on Thursday, March 3, 2016 at 9:00 a.m. with the following individuals:

Chair	-	G. Brumby
	-	H. Elliott
	-	B. George
	-	M. Hacon - absent
	-	R. Jull
	-	T. Rock
	-	A. Tenhove

Director	-	G. Hough
Secretary-Treasurer	-	L. Taschner

The meeting was called to order at 9:00 .am.

DECLARATION OF CONFLICT OF INTEREST:

None.

APPROVAL OF MINUTES:

Moved by: B. George
Seconded by: T. rock

"The Minutes of the Meeting of January 21, 2016, be approved as printed and circulated."

CARRIED.

BUSINESS ARISING FROM MINUTES:

None.

GENERAL BUSINESS:

L. Taschner spoke on the upcoming OACA Annual Conference to be held in London, ON from May 29 to June 1, 2016.

CORRESPONDENCE:

Correspondence was received from Mr. Greg Boddy, solicitor for the owners, dated February 29, 2016, requesting an amendment to Application B14-77-2 (Mark E. & Cheryl F. Marshall and John S. Marshall) to include a Partial Discharge of Mortgage as part of the application request.

Moved by: T. Rock
Seconded by: A. Tenhove

"That Application B14-77-2 (Mark & Cheryl Marshall and John Marshall) be amended to include a Partial Discharge of Mortgage, and further that the Secretary-Treasurer of the Land Division Committee be authorized to issue a certificate for the Partial Discharge of Mortgage for Application."

CARRIED.

Correspondence dated February 29, 2016, was received from the County Public Works Department regarding Application B15-51-7 (Julia Koteles & Estate of John Koteles).

Correspondence dated March 2, 2016 was received from the Council of the Township of East Zorra-Tavistock regarding Application B15-49-2 (Terry D. & Gina M. Ede).

Correspondence dated March 2, 2016 was received from the Council of the Township of East Zorra-Tavistock regarding Application B15-50-2 (Rob & Sherry Ramseyer).

APPLICATIONS FOR CONSENT:

B15-49-2 – Terry D. & Gina M. Ede (Part Lot 11, Conc. 17; Lot 62, Plan 41M-115, Township of East Zorra-Tavistock, formerly Village of Innerkip)

J. Schurink, the owners' agent, was in attendance to present the application. He reviewed the correspondence received from the Council of the Township of East Zorra-Tavistock. He explained the application to the Committee and stated that he and his clients concurred with the suggested conditions and the recommendation of the staff Planning Report.

The Application for Consent proposes a residential lot addition. The lot to be severed will cover an area of approximately 2,037.5 sq. m (21,932.8 sq. ft.), and contains an existing garage. The lot to be severed will be added to the residential lot to the immediate east (fronting on Oakridge Avenue), consisting of an existing single detached dwelling, and covering an area of approximately 2,404 sq. m (7,887.13 q. ft.). Once merged, the newly enlarged lot will be approximately 4,441.5 sq. m (47,809.5 sq. ft.) in size. The lot to be retained will comprise approximately 2,709.6 sq. m (29,166.8 sq. ft.) and contains a single detached dwelling. The owners have indicated that they intend to transfer the northern portion of the lot to be retained to the Township as an extension of Oakridge Avenue. The owners have also applied for a Partial Discharge of Mortgage.

G. Hough briefly reviewed the staff Planning Report. He pointed out that a parcel of land, situated between the severed and retained lots will be transferred to the Township to be used for the extension of Oakridge Avenue. The application is consistent with the 2014 Provincial Policy Statement, complies with the policies of the Official Plan and conforms to the provisions of the Township Zoning By-law. Planning staff is recommending approval of the application.

R. Jull questioned the shape of the lot and that it was of an irregular shape. In response, G. Hough pointed out that the lots have been this way since the subdivision was created.

B. George questioned whether the Township has any intent at this time to extend Oakridge Avenue?

G. Brumby asked whether the lands were being sold or just deeded to the Township. In response, J. Schurink indicated that no cash value has been discussed at this time. G. Hough pointed out that it was between the Township and the owners.

In response to G. Brumby's question as to whether the Public Health Department can recommended that the owners hook into municipal services, G. Hough responded in the affirmative and noted that if the owners do not agree with any of the conditions, they have the option of appealing them to the Ontario Municipal Board.

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

'Granted'

CONDITIONS:

1. The parcel intended to be severed be conveyed to the abutting landowner to the immediate east 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.

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2. Lands required to facilitate an extension of Oakridge Avenue be deeded to the Township of East Zorra-Tavistock, to the satisfaction of the Township of East Zorra-Tavistock.
 3. 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.
 4. The owners decommission the existing septic system located on the lot to be retained, to the satisfaction of the Oxford County Public Health and Emergency Services Department and that the said lands be connected to the municipal sanitary sewer system, to the satisfaction of the County Public Works Department.
 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 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.

B15-50-2 – Rob & Sherry Ramseyer (Part Lot 18, Conc. 5, Township of East Zorra-Tavistock, formerly East Zorra [Village of Tavistock])

No one was present to speak to the application. A letter was received from the Dan Kalbfleish, the applicant, requesting a deferral of the application due to health reasons for up to three months.

The purpose of the Application for Consent is to create a residential building lot. The lot to be severed will cover an area of 536 sq. m (5,770 sq. ft.), and is currently vacant. The lot to be retained will cover an area of 824 sq. m (8,870 sq. ft.) and contains an existing single-detached dwelling, with an attached garage. It is proposed that a single-detached dwelling will be constructed on the lot to be severed.

Moved by: A. Tenhove
Seconded by: R. Jull

"Deferred"

REASON:

1. The Application for Consent be deferred, at the owners' request, for up to three months to the June, 2016 meeting of the Committee.

CARRIED.

B15-51-7 – Julia Koteles & Estate of John Koteles (Part Lot 4, Concession 10, Town of
Tillsonburg, formerly Township of Dereham)

James Horvath, the applicant, was in attendance to speak to the application. He briefly explained the application to the Committee, and requested Committee's approval of the severance.

The purpose of the Application for Consent is for a residential lot addition. The lot to be severed comprises approximately 0.15 ha (0.37 ac), contains an existing shed, and is to be added to the lot to the immediate north. The lot to be enlarged comprises approximately 0.37 ha (0.91 ac) and contains an existing single detached dwelling with attached garage and a shed. The lot to be retained will cover an area of approximately 3.8 ha (9.4 ac) and contains an existing single detached dwelling and two sheds and a bulk kiln.

G. Hough briefly reviewed the staff Planning Report. He stated that the application is consistent with the 2014 Provincial Policy Statement, complies with the relevant policies of the Official Plan, and conforms to the Town of Tillsonburg Zoning By-law. He indicated that initially the County Public Works Department requested that the existing shared private water service to the retained lot be disconnected and that a new connection be installed. However, they have amended their original comments and the new connection is no longer required. Therefore, Condition No. 4 can be removed from the recommended list of conditions as noted in the staff Planning Report.

J. Horvath stated that he concurred with the suggested conditions and the recommendation of the staff Planning Report.

In response to R. Jull's question, J. Horvath indicated that the tobacco kiln situated on the lot to be retained will be torn down.

Moved by: A. Tenhove
Seconded by: T. Rock

'Granted'

CONDITIONS:

1. The parcel intended to be severed be conveyed to the abutting landowner to the immediate north and be consolidated with said owner's existing property. Any additional transactions with regard to the severed parcel must comply with Section 50(3) & (5) of the Planning Act, R.S.O., 1990, as amended, and be reflected on the certificate.
2. If required, the owner shall enter into a Severance Agreement with the Town of Tillsonburg, to the satisfaction of the Town.
3. If required, a road widening of 3.05 m (10 ft) along the frontage of the lots to be severed and retained along Cranberry Road, be dedicated to the Town of Tillsonburg, free of all costs and encumbrances, to the satisfaction of the Town Engineering Services Department.
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 the Township of Norwich.
5. The Clerk of the Town of Tillsonburg advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town, financial, services and otherwise, have been complied with.
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 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.

B16-04-8; A16-01-8 – Mary vandenBerg (Part Lot 32, Block 7, Plan 49, City of Woodstock)

Mr. Derek Truelove, Nesbitt, Coulter, LLP, was in attendance on behalf of the owner. He requested the Committee's approval of the severance and minor variance application.

The purpose of the application for consent is to separate two existing single-detached dwellings that have merged on title. The lot to be severed will cover an area of approximately 411.3 sq. m (4,427.34 sq. ft.) and contains an existing single-detached dwelling and detached garage. The lot to be retained will cover an area of approximately 413.6 sq. m (4,452.1 sq. ft.) and contains an existing single-detached dwelling, a detached garage and a pool. The owner has also applied for a Partial Discharge of Mortgage.

Minor Variances from the City of Woodstock Zoning By-law No. 8626-10 have been requested:

Section	Lot to be Severed		Lot to be Retained	
	Proposed	Required	Proposed	Required
Section 5.1.1.1, Rear Yard Depth, Accessory Structures	0.54 m (1.77 ft)	1.2 m (3.94 ft)	0.65 m (2.13 ft)	1.2 m (3.94 ft)
Section 5.1.1.1, Interior Side Yard Width – Accessory Structures	0.8 m (2.62 ft)	1.2 m (3.94 ft)	0.18 m (0.59 ft)	1.2 m (3.94 ft)

G. Hough briefly reviewed the staff Planning Report. He pointed out that the two lots were previously separate lots and inadvertently merged on title. The owner now seeks to recreate them. The application is consistent with the 2014 Provincial Policy Statement and complies with the Low Density Residential designation policies of the Official Plan. The owner has also requested minor variances for the two lots.

D. Truelove stated that he concurred with the suggested conditions and the recommendation of the staff Planning Report.

T. Rock questioned the merger. In response, D. Truelove explained that title of 317 Victoria Street North was held in both spouses' names, while title to 321 Victoria Street North was held in the wife's name only. The owner's husband recently passed away, thus resulting in the merger of the two lots.

T. Rock questioned whether the minor variance reductions were significant. In response, G. Hough indicated that they were supportable, and that the lot sizes were consistent with other lots in the vicinity.

G. Brumby questioned whether the minor variances existed prior to the merger. In response, D. Truelove pointed out that the homes in the area are older. He noted that nothing has changed and the owner is simply requesting that the lots be put back to the original sizes.

B16-04-8

Moved by: B. George
Seconded by: H. Elliott

'Granted'

CONDITIONS:

1. 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.
2. The owners shall confirm the location of any underground or overhead services serving the retained lot traversing the severed lot and vice versa. Where such services exist, the owners shall re-located the services or obtain private easements over the severed and/or retained lots, to the satisfaction of the City of Woodstock.
3. The owner shall provide a recent survey to confirm lot sizes and building setbacks, to the satisfaction of the City of Woodstock.
4. 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.
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.
3. The subject property is appropriately zoned.

A16-01-8

Moved by: B. George
Seconded by: H. Elliott

'Granted'

REASONS:

1. The variances requested are minor variances from the provisions of the City of Woodstock Zoning By-law No. 8626-10.
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.
4. The variances requested are in keeping with the general intent and purpose of the City of Woodstock Zoning By-law. No. 8626-10.

On the motion of T. Rock, the Committee meeting adjourned at 9:50 a.m.

"Gordon Brumby"
CHAIRMAN