

MINUTES

OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, May 5, 2016

The Oxford County Land Division Committee met in the Council Chambers, County Administration Building, Woodstock, Ontario, on Thursday, May 5, 2016 at 9:00 a.m. with the following individuals:

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

"The Minutes of the Meeting of April 7, 2016, be approved as printed and circulated."

CARRIED.

BUSINESS ARISING FROM MINUTES:

None.

GENERAL BUSINESS:

None.

CORRESPONDENCE:

A request to amend/remove Condition No. 4 in the decision for Application B16-10-2 (Robert & Gail Musselman) dated April 13, 2016, was received from Robert Musselman. Condition No. 4 reads as follows:

"The larger of the two accessory buildings located on the lot to be retained, as identified on Plate 3 of Report No. CASPO 2016-76, be removed, to the satisfaction of the Township of East Zorra-Tavistock."

G. Hough briefly reviewed the staff Report. He stated that Mr. Musselman is requesting that Condition No. 4 of the decision be withdrawn from the list of conditions. Planning staff recommends that Condition No. 4 remain as approved by the Committee, thereby requiring Mr. Musselman to remove the larger of the two buildings on the retained lot.

R. Jull stated that he was of the opinion that the farm building could remain on the property and was prepared to grant him the request.

B. George pointed out that Mr. Musselman has requested that he be permitted to keep both farm buildings. He suggested that the Committee leave the condition as originally approved by the Committee, and leave it up to Mr. Musselman to either remove the required farm building as per the condition, or to allow the severance to lapse.

M. Hacon stated that he felt that the two accessory farm buildings were too large to be situated on the proposed residential lot.

T. Rock stated that he concurred that the accessory farm building should be removed.

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

"That the request received from Robert Musselman to remove Condition No. 4 of the decision of the Land Division Committee dated April 13, 2016 for Application B16-10-2 (Robert & Gail Musselman) be denied. Further, the Notice of Change of Condition is considered minor."

CARRIED.

Correspondence was received from Stephen McCotter, solicitor for Ruth Rout, requesting a deferral of Application B16-14-5 (Ruth Rout) in order that he and his client can review the application.

Correspondence was received from the Council of the Township of East Zorra-Tavistock regarding Application B16-22-2 (Bruce Yausie).

APPLICATIONS FOR CONSENT:

B16-14-5 – Ruth Rout (Part Lot 30, Conc. 10, Township of Zorra, formerly Township of East Nissouri)

No one was present to speak to the application. Correspondence was received from the owner's solicitor, requesting a deferral of the application.

The purpose of application for consent is for an agricultural lot addition. The lot to be severed will cover an area of approximately 19.7 ha (48.7 acre), contains no buildings or structures and is in agricultural production. The lot to be severed will be added to the parcel to the immediate south, covering an area of approximately 20.2 h (50 ac) and consisting of vacant agricultural land. The lot to be retained will cover an area of approximately 0.53 ha (1.3 acres), contains an existing single-detached dwelling with attached garage and a shed, and will be used for rural residential purposes. The owner has also applied for a Partial Discharge of Mortgage.

Moved by: M. Hacon
Seconded by: R. Jull

"Deferred"

REASON:

1. The application be deferred for one month, to the June meeting of the Land Division Committee, in order to permit the owner's solicitor to review the application with his client.

CARRIED.

B16-15-3 – George Rand & Randlawn Farms Limited (Part Lots 10 & 11, Concession 7,
Township of Norwich, formerly Township
of East Oxford)

George Rand, the owner, and Don Colcuc, the applicant and prospective purchaser of the severed lot, were in attendance. Also in attendance was David Roe, the owner's agent. D. Colcuc explained the application to the Committee. He pointed out that he has been renting the parcel of land for the past 5 to 6 years.

The purpose of the Application for Consent is for a lot addition. The lot to be severed will cover an area of approximately 6.6 ha (16.3 ac), contains no buildings or structures and is agricultural production. The lot to be severed will be added to the agricultural lot to the immediate east covering an area of approximately 30.4 ha (75 acres), consisting of two farm buildings and an accessory single-detached dwelling accessory to the farm operation (a blueberry and elderberry operation). The lot to be retained will cover an area of approximately 30.8 ha (76 ac), contains no buildings or structures and in agricultural production.

G. Hough reviewed the staff Report and indicated that the lands are designated agricultural in the Official Plan. The severed lands will be utilized by Mr. Colcuc for his blueberry operation. He noted that the applicant's sketch shows that the dividing line between the severed and retained lots is through a woodlot. A condition has been imposed to straighten the boundary to preserve as much of the woodlot on the retained lot (Rand property) as is feasible. The application is consistent with the 2014 Provincial Policy Statement, and complies with the agricultural policies of the County Official Plan. The subject property is appropriately zoned. G. Hough pointed out that the merging condition was inadvertently left off the list of conditions. Both Mr. Rand and Mr. Colcuc concurred with the inclusion of the condition.

D. Colcuc agreed with the staff recommendation and stated that when the survey is prepared, he will adhere to keeping the line on the edge of the woodlot.

In response to T. Rock, G. Rand explained that he has a roadway through the retained lot accessing the field on the severed lot to be conveyed to Mr. Colcuc.

In response to the some of the Committee members' concerns, G. Rand pointed out that he posted the sign at Gunn's Hill Road, the entrance to his property.

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

'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.
2. If required, the owners shall enter into a standard Severance Agreement with the Township of Norwich, to the satisfaction of the Township of Norwich.
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 Norwich.
4. The area of the lot to be severed be reduced to exclude the existing woodlands on the lot to be retained, as illustrated on Plate 4 of Planning Report No. 2016-105, to the satisfaction of the County of Oxford.
5. 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.

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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 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.

B16-11-1; A16-02-1 – Loretta Siminoski (Lot 1, Block C, Plan 105, Township of Blandford-Blenheim, formerly Township of Blenheim, Drumbo)

Roy & Loretta Siminoski were in attendance. R. Siminoski briefly explained the application. He noted that there are services available to the lot.

The purpose of the Application for Consent is to create a residential building lot. The lot to be severed comprises approximately 605 m² (6,515 ft²) and is currently occupied by an existing detached garage that is proposed to be removed. The lot to be retained comprises approximately 988 m² (10,631 ft²) and contains an existing single-detached dwelling and shed. A single-detached dwelling is proposed to be constructed on the lot to be severed. The owner has also applied for a Partial Discharge of Mortgage.

Relief is sought from Section 11.2, Township of Blandford-Blenheim Zoning By-law No. 1360-2002, to reduce the required front yard depth from 7.5 m (24.6 ft) to 5.64 m (18.5 ft); to reduce the required rear yard depth from 7.5 (24.6 ft) to 5.6 m (18.4 ft); and to reduce the required interior side yard width from 1.5 m (4.9 ft) to 1.28 m (4.2 ft) to recognize the location of the existing single-detached dwelling on the lot to be retained.

G. Hough briefly reviewed the staff Planning Report. He indicated that the application is consistent with the 2014 Provincial Policy Statement and complies with the Official Plan policies. The proposed lot is in keeping with the existing development and maintains the intent of the residential policies of the Official Plan. A minor variance has been submitted with the severance. The variances are largely due to the orientation of the new lot00250 and will recognize the By-law deficiencies on the retained lot. Staff is recommending approval of the severance and minor variances.

R. Siminoski stated that he and his wife concurred with the suggested conditions and the recommendation of the staff Planning Report. At R. Siminoski's request, G. Hough explained the 20-day appeal period.

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

'Granted'

B16-11-1

CONDITIONS:

1. The existing detached garage located on the lot to be severed be removed, to the satisfaction of the Township Chief Building Official.

2. If required, the owner enter into a consent agreement with the Township of Blandford-Blenheim, to the satisfaction of the Township Chief Administrative Officer.
3. The owner obtains an entrance permit for a new driveway on Oxford Street West (Oxford Road 29) for the lot to be retained, to the satisfaction of the County Public Works 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 Blandford-Blenheim.
5. 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.
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.

A16-02-1

REASONS:

1. The variances requested are minor variances from the provisions of the Township of Blandford-Blenheim Zoning By-law No. 1360-2002.
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 Township of Blandford-Blenheim Zoning By-law No. 1360-2002.

CARRIED.

B16-22-2 & B15-48-2 – Bruce Yausie (Part Lots 26 & 27, Conc. 12, Township of East Zorra-Tavistock, formerly Township of East Zorra)

Bruce Yausie, the owner, together with his agent, Denis Brolese, were in attendance. D. Brolese briefly explained the application. He pointed out that the application was deferred by the Committee at its April 7th meeting, as it was discovered that Mr. Yausie owned an additional 125 acres and that this required the submission of an additional severance. The first severance before the Committee is to sever off the 125 acres from the farm holdings. The second severance is for a farm consolidation to the parcel to the immediate southwest, resulting in a retained lot to be used for rural residential purposes.

The purpose of Application B16-22-2 is to sever 50.5 ha (125 ac) of agricultural land, consisting of several farm buildings, two silo structures and an accessory single detached dwelling. The lot to be retained will cover an area of approximately 21 ha (52 ac), and contains one agricultural building (which will be removed), as well as an accessory single detached dwelling.

The purpose of Application B15-48-2 is for an agricultural lot addition. The lot to be severed will cover an area of approximately 21.17 ha (52.3 ac), contains a barn (to be removed) and is in agricultural production. The severed lot will be added to the agricultural lot to the immediate southwest which contains farm buildings and an accessory single detached dwelling, and is also in agricultural production. The lot to be retained will cover an area of approximately 0.81 ha (2 ac) and contains an existing single detached dwelling and driveshed (driveshed to be removed).

G. Hough briefly reviewed the staff Planning Report. He indicated that both applications comply with the Official Plan policies. He pointed out that if the application were to sever the 125 acres and retain the 52 acres, Planning staff would not be in support of the proposal; however, the additional application to sever 50 acres and consolidate it with the farm lands to the immediate southwest, leaving behind a 2 acre rural residential lot brings the applications into conformity with the Official Plan.

Both B. Yausie and D. Brolese stated that they concurred with the suggested conditions and the recommendation of the staff Planning Report.

B16-22-2

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

'Granted'

CONDITIONS:

1. Drainage assessment reapportionment 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.
2. The transfer for Application B15-48-2 be submitted to the Secretary-Treasurer of the Land Division Committee at the same time as the transfer for Application B16-22-2. Further the owner shall provide a written Undertaking that the transfer for Application B15-48-2 shall be registered after the registration of Application B16-22-2, to the satisfaction of the Secretary-Treasurer of the Land Division Committee.
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.

B15-48-2

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

'Granted'

CONDITIONS:

1. The lot to be retained be appropriately zoned.
2. The parcel intended to be severed be conveyed to the abutting landowner to the immediate southwest 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. 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 existing agricultural structures on the lot to be severed and the lot to be retained be removed, to the satisfaction of the Township of East Zorra-Tavistock.
5. A surveyor's real property report, indicating the location of all existing buildings on the lot to be retained be prepared, to the satisfaction of the Township of East Zorra-Tavistock.
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.

CARRIED.

On the motion of H. Elliott, the Committee meeting adjourned at 9:55 a.m.

"Gordon Brumby"

CHAIRMAN