

MINUTES

OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, November 3, 2016

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

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

"The Minutes of the Meeting of October 6, 2016, be approved as printed and circulated."

CARRIED.

BUSINESS ARISING FROM MINUTES:

None.

GENERAL BUSINESS:

R. Versteegen spoke on Bill 73 and stated that it is Planning staff opinion that the suggested four statements are sufficient to address the public involvement provisions introduced by Bill 73. L. Taschner indicated she would provide the Bill 73 statements to the Committee at each meeting. The Committee discussed the process. G. Brumby suggested that after the motion is made, the Mover of the motion would state which Bill 73 statement is appropriate and would read it as part of his motion.

The January meeting date was discussed. L. Taschner indicated that she would let the members know what date she has available for the January meeting.

CORRESPONDENCE:

Correspondence was received from Kevin Maylin regarding Application B16-40-3 (Steven Hill & Rita Kovacs).

A letter of withdrawal was received from Jack Sousa regarding Application B16-34-5 (Southside Property Management (London) Inc.)

APPLICATIONS FOR CONSENT:

B16-40-3 – Steven R. Hill & Rita Kovacs (Lot 561, Plan 955, Township of Norwich, formerly Village of Norwich)

Denis Brolese, the owners' agent, was in attendance to speak to the application. He briefly explained the application. He reviewed the late correspondence received from Mr. Kevin Maylin. He stated that the application complies with the policies of the County Official Plan and once the properties are re-zoned, they will meet the appropriate Zoning By-law provisions. He stated that he concurred with the findings and suggested conditions, including the amendment to Condition No. 3 requiring the construction of a fence and buffer.

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 545 sq. m (5,866.5 sq. ft) and is currently vacant. The lot to be retained will cover an area of approximately 1,084 sq. m (11,668.5 sq. ft) and is currently occupied by a 4-unit multiple-unit dwelling. A semi-detached dwelling consisting of two units is proposed to be constructed on the lot to be severed. The owners have also applied for Partial Discharge of Mortgage.

R. Versteegen explained that the proposal represents the creation of a new residential lot within the Village of Norwich. The property is located within the Low Density Residential designation in the Official Plan. He stated that the property is currently zoned R3 in the Township's Zoning By-law. The severed lot is currently vacant and a semi-detached dwelling is proposed to be constructed. The lot is to be re-zoned to R2 to recognize the proposed use. The subject property is on full municipal services. The proposal is consistent with the Provincial Policy Statement (PPS) which encourages intensification where appropriate, and is consistent with the character of the neighbourhood. He reviewed the letter of concern from Mr. Kevin Maylin. In his letter, Mr. Maylin stated that he was concerned with the removal of the vegetation between the lots and it provides shade and privacy. R. Versteegen stated that due to the road widening required, one parking space will be lost; however, it is Planning staff opinion that there will be sufficient area to accommodate the required parking on the retained lot.

In response to R. Jull, R. Versteegen pointed out that a four-plex requires 6 parking spaces.

B. George questioned how to accommodate the vegetation? In response, D. Brolese indicated that 1.2 m side yards are permitted between the two lots, and that the proposed semi-detached dwelling will need to adhere to the By-law requirements.

In response, A. Tenhove indicated that vegetative buffer may need to be provided. R. Versteegen also stated that any trees lost will need to be replaced with vegetation suitable to the Township of Norwich.

D. Brolese stated he is not aware of the size of building proposed and re-iterated that it will need to be meet the By-law requirements.

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

'Granted'

CONDITIONS:

1. The lots to be severed and retained be appropriately zoned.
2. If required, the owners obtain the necessary approvals for the existing multi-unit dwelling on the lot to be retained, to the satisfaction of the Township Chief Building Official.
3. The owners shall enter into a standard Severance Agreement with the Township of Norwich. The Severance Agreement shall include a provision to ensure a fence is constructed and a vegetative buffer is provided along the southerly property line of the lot to be severed, to the satisfaction of the Township.

4. The County of Oxford Public Works Department 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 lot to be severed have been complied with. This condition can be cleared by payment for the required services or entering into a severance agreement with the Township which states that no building permit shall be issued until payment is made to the County.
5. If required, a road widening to 13.1 m (43 feet) from the centre line of Main Street West (Oxford 18) along the frontage of the lot to be retained, and a 3.0 m (9.8 feet) by 3.0 m (9.8 feet) daylight triangle, at the intersection of Main Street West (Oxford Road 18) and Delong Drive, be dedicated to the County of Oxford, free of all costs and encumbrances, to the satisfaction of the County Director of Public Works.
6. The Clerk of the Township of Norwich 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 is in keeping with the policies of the County of Oxford Official Plan.
3. Comments received from the public were reviewed, and where appropriate, were considered in the Land Division Committee's decision to approve the application.

CARRIED.

B16-43-5 – John Kirby Baker (Part Lot 27, Conc. 13, Township of Zorra, formerly Township of East Nissouri)

Kirby Baker, together with his daughter, Erin McClure, were in attendance. E. McClure explained that she and her husband purchased the original farmhouse from her parents in 2008. This house was severed from the farm. She and her husband now wish to purchase farm, resulting in the rural residential lot for her parents.

The Application for Consent proposes a boundary adjustment between an existing agricultural lot (256662 25th Line) and an adjacent rural residential lot (256674 25th Line). The lot to be severed will cover an area of approximately 39.6 ha (97.85 ac), consists of accessory farm structures and a pond and is in agricultural production. The lot to be severed is proposed to be added to the existing adjacent rural residential lot covering an area of approximately 0.47 ha (1.16 ac), and consisting of an existing single detached dwelling. The newly enlarged lot will cover an area of approximately 40 ha (99 ac). The lot to be retained will cover an area of approximately 0.51 ha (1.27 ac) in area, contains a single detached dwelling with private services and will be used for rural residential purposes.

R. Versteegen reviewed the staff Planning Report and stated that the application is consistent with the Provincial Policy Statement (PPS) and complies with the Official Plan policies. The properties will continue to be serviced with private services. The severance is conditional on both the lot to be enlarged and retained being re-zoned. No comments were received in opposition to the severance. The lot to be enlarged was created by severance prior to March 31, 1979 and, therefore, the need to 'undo' the previous severance is not necessary.

E. McClure stated that she and her father concur with the findings and suggested conditions of the staff Planning Report.

In response to G. Brumby, E. McClure explained that the existing driveway through the retained lot will be removed in the future. In response to R. Jull, E. McClure stated that the driveway will be re-routed to go north from the lot to be enlarged to the buildings on the severed lot.

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

'Granted'

CONDITIONS:

1. The lots to be retained and enlarged be appropriately zoned.
2. The parcel intended to be severed be conveyed to the abutting landowner to the immediate west (PIN 00205-0025) and be consolidated with said owners' 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. The Clerk of the Township of Zorra advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Township, financial 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 is in keeping with the policies of the County of Oxford Official Plan.
3. The Land Division Committee did not receive any comments from the public respecting this application.

CARRIED.

B16-44-6 – 1551991 Ontario Inc. (Lot 7A, Block 13, Plan 279, Town of Ingersoll)

D. Brolese was present to present the application on behalf of the owner. He pointed out that a similar severance was recently considered by the Committee on the lot next to this lot for the construction of a single-detached dwelling. He indicated that both he and the owner concur with the findings and suggested conditions of the staff Planning Report.

The purpose of the Application for Consent is to sever a semi-detached dwelling house (2 units) currently under construction. The lot to be severed will cover an area of approximately 432.5 sq. m (4,655.5 sq. ft), while the lot to be retained will cover an area of approximately 376 sq. m (4,047.4 sq. ft). Each lot will consist of one semi-detached dwelling unit. The owner has also applied for a Partial Discharge of Mortgage.

R. Versteegen reviewed the staff Planning Report. He indicated the semi-detached dwelling is currently under construction. He explained that the property is located within the Entrepreneurial District designation in the County Official Plan and is currently zoned R2 in the Town's Zoning By-law. The lot was previously severed from the former Victory Memorial school property. The former school is currently being converted into a senior's housing apartment. The application is consistent with the Provincial Policy Statement (PPS), complies with the Official Plan policies and conforms to the provisions of the Town's Zoning By-law. The application was reviewed by a number of agencies and no concerns were raised, and no concerns were received from the neighbours within the vicinity.

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

'Granted'

CONDITIONS:

1. The owner provide an as-built survey, to the satisfaction of the Town of Ingersoll Building Department.
2. The Clerk of the Town of Ingersoll advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town, financial, services and otherwise, 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 is in keeping with the policies of the County of Oxford Official Plan.
3. The subject property is appropriately zoned.
4. The Land Division Committee did not receive any comments from the public respecting this application.

CARRIED.

B16-34-5 – Southside Property Management (London) Inc. – Part Lot 20, Conc. 3, Township of Zorra, formerly North Oxford)

Correspondence was received from Mr. Jack Sousa requesting that the application for consent be withdrawn. No one was present to speak to the application.

R. Versteegen stated that he and Gord Hough met with Jack Sousa and they discussed Middlesex County Official Plan policies vs Oxford County's Official Plan policies. He noted that Oxford County is very clear on severances of surplus dwellings. Oxford requires farm consolidation of the severed lot to an abutting farm parcel. This has been tested before the Ontario Municipal Board and decisions were upheld. It was concluded that the applicants would not have had a good chance before the Ontario Municipal Board. He suggested that an abutting

property owner could have purchased the farm parcel, resulting in the remnant rural residential lot. R. Versteegen pointed out that the County of Middlesex policies allow the severance of surplus dwellings from a farm parcel that are not being merged with an adjacent farm parcel. R. Versteegen noted that the owner intends to establish a gravel pit on the subject property; however, no approvals have been granted issued as of yet.

The application was withdrawn by the owner.

On the motion of M. Hacon the Committee meeting adjourned at 10:10 a.m.

"Original Signed by"

CHAIRMAN