

MINUTES

OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, November 1, 2018

The Oxford County Land Division Committee met in the Council Chambers, County Administration Building, Woodstock, Ontario, on Thursday, November 1, 2018 at 9:00 a.m. with the following individuals:

Chair	-	G. Brumby
	-	H. Elliott
	-	M. Hacon
	-	R. Jull
	-	A. Tenhove
Senior Planner	-	R. Versteegen
Secretary-Treasurer	-	L. Taschner

The meeting was called to order at 9:00 a.m. In the absence of B. George, G. Brumby assumed the role of the Chair.

DECLARATION OF CONFLICT OF INTEREST:

None.

APPROVAL OF MINUTES:

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

“The Minutes of the Meeting of October 4, 2018, be approved as amended.”

CARRIED.

BUSINESS ARISING FROM MINUTES:

None.

GENERAL BUSINESS:

The Committee discussed the OACA Seminar recently held in Guelph, ON. H. Elliott stated that he found the workshops very informative. L. Taschner stated that she too enjoyed the seminar and found the workshops informative. She noted that it was nice to catch up with her colleagues.

CORRESPONDENCE:

None.

APPLICATIONS FOR CONSENT:

B18-51-5 – Peter Rutherford (Part Lot 27, Concession 7, Township of Zorra, formerly Township of West Zorra)

Peter Rutherford, together with his agent, Brandon Flewwelling of the GSP Group Inc., were in attendance. B. Flewwelling presented the application to the Committee and explained that the property line with now coincide with the drainage ditch.

The purpose of the application for consent is for an agricultural lot addition. The lot to be severed will cover an area of approximately 1.48 ha (3.65 ac) of vacant agricultural land, with frontage of approximately 58 m (192 ft) along 43rd Line, and, to add it to an adjacent property directly to the north. The lot to be enlarged comprises approximately 12.15 ha (30.0 ac), including a single detached dwelling (to be replaced in Fall 2018), and cropland. The lot to be retained comprises approximately 49.46 ha (122.2 ac), contains an existing dairy barn and other farm buildings, an accessory single detached dwelling and cropland.

R. Versteegen reviewed the staff Planning Report and explained the application to the Committee. He indicated that the severance proposal is consistent with the 2014 Provincial Policy Statement, complies with the Official Plan policies and conforms to the Township's Zoning By-law provisions. He noted that the existing municipal drain will be new boundary of the subject property. The property has been maintained by the owners of the lot to be enlarged. He explained that a minor variance had previously been approved on the enlarged lot recognizing the deficient lot area. No objections or concerns were raised as a result of the agency circulation. No comments were received from the neighbours, resulting from the public notification.

B. Flewwelling stated that he and his client concur with the findings and suggested conditions of the staff Planning Report.

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

'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. Drainage 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 Zorra.
3. If required, the owner shall enter into a standard Severance Agreement with the Township of Zorra, to the satisfaction of the Township of Zorra.
4. 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.
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.
4. The Land Division Committee did not receive any comments from the public respecting this application.

CARRIED.

B18-50-3 – Jacobus & Amanda Van Woerden (Part Lot 23, Concession 10, Township of Norwich, formerly Township of South Norwich)

Jacobus Van Woerden, together with his agent, David Roe, were in attendance. Also in attendance was Alt Pelleboer, 204971 Ninth Road, R. R. #3, Tillsonburg ON N4G 4G8. D. Roe presented the application to the Committee. He indicated that and his client do not concur with the recommendation of the staff Report, as they wish to keep both the existing accessory buildings situated on the retained lot.

The purpose of the Application for Consent is for an agricultural lot addition. The lot to be severed comprises approximately 10.6 ha (26.2 ac), is in agricultural production and is currently vacant. It is proposed that the lot to be severed will be added to the lot to be enlarged, to the immediate east. The lot to be enlarged comprises approximately 7.9 ha (19.7 ac), is also in agricultural production and is also currently vacant. The lot to be retained comprises approximately 0.8 ha (2 ac) and contains an existing single detached dwelling and two existing agricultural related buildings, totalling approximately 288.4 m² (3,104.3 ft²) in size.

R. Versteegen briefly reviewed the staff Planning Report and explained that the severance proposes a farm consolidation, resulting in a rural residential lot. The severed lot is vacant and is cash cropped. The retained lot will contain an existing single detached dwelling and two accessory buildings. The lot to be enlarged is also vacant and is cash cropped. The application is consistent with the 2014 Provincial Policy Statement and complies with the Official Plan policies. The evaluation system consists of general policies for the consideration of non-farm rural residential severance proposals. According to the Official Plan, proposals for non-farm rural residential development which accumulate less than +12 points may be considered for approval, provided that the proposal conforms to the general policies for such consent applications. This application accumulates +10 points and, therefore, complies with the general policies. A zone change application accompanied the severance application at the time of submission to re-zone the retained lot to recognize its use as a rural residential lot. Both the severed and enlarged lots will also require re-zoning. He pointed out that there are two large accessory buildings on the retained lot, with a combined area of approximately 2,500 m². A condition has been imposed requiring the removal of the largest of the two buildings. No objections or concerns were raised as a result of the agency circulation. No comments were received from neighbours as a result of the public notification.

D. Roe stated that the two buildings are similar to a driveshed. He provided photos for the Committee to see. He indicated that the zone change application is in progress. He stated that his client wishes to retain both accessory buildings.

In response, R. Versteegen stated that he spoke with the planner regarding the accessory buildings and that she indicated the matter could be dealt with by the Township at the zoning meeting. A change of use permit would be required preventing the buildings from being used for agricultural purposes.

M. Hacon stated that the larger of the two accessory buildings is as large or larger than the house.

R. Jull stated that the building is in good condition and noted he would rather see it remain.

A. Tenhove suggested that the change of use permit would prevent building from being used for agricultural purposes.

R. Versteegen stated that the planner's concerns were that it could open the door for a commercial business in the future. The intent of the retained lot is residential.

D. Roe stated that the building is currently used for the storage of poultry crates. In response, G. Brumby suggested that as being an agricultural use on a residential property. D. Roe stated that his client would be agreeable to remove the smaller of the two buildings.

In response, R. Versteegen stated that a change of use permit becomes a By-law enforcement issue and really does not address the problem with the large accessory building being allowed to remain.

M. Hacon reiterated that the proposed use for the retained lot is rural residential and that the accessory building is larger than the existing single detached dwelling.

D. Roe requested a deferral of the application to allow him to go before Township Council and get a decision on the zone change application.

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

"Deferred"

REASON:

1. The application be deferred, at the request of the owner, for up to six months to the May, 2019 meeting of the Land Division Committee, in order for the Township of Norwich Council to consider the application for zone change.

CARRIED.

B18-35-3 – Stefan & Malgorzata Gwerder (Part Lots 19 & 20, Concession 12, Township of Norwich, formerly Township of South Norwich)

Malgorzata Gwerder was in attendance, together with Brad Bennett, solicitor for the purchasers, William Gordon & Brittany Hallows. B. Bennett presented the application to the Committee. He indicated that the severance is for a rural residential lot addition.

The purpose of the application for consent is for a lot addition to a non-farm rural residential lot. It is proposed that approximately 0.23 ha (0.56 ac) will be severed from the existing agricultural parcel and added to the rural residential lot to the immediate south. The lot to be severed contains an existing accessory building, as well as three additional utility sheds, totalling approximately 135.3 m² (1456 ft²) in size. Once enlarged, the rural residential lot will be approximately 0.86 ha (2.1 ac) in size and will contain an existing single detached dwelling and the existing accessory buildings, as well as an existing private well and septic system. The lot to be retained will be approximately 25.9 ha (64 ac) in size and contains a barn, a greenhouse and a single detached dwelling accessory to the farm, as well as a garden shed and a private well and septic system.

R. Versteegen briefly reviewed the staff Planning Report. He explained the application to the Committee and stated that it is consistent with the 2014 Provincial Policy Statement and complies with the Official Plan policies. He noted that the retained lot will cover an area of approximately 25.9 ha (64 acres) and contains a number of accessory structures. The area is predominately agricultural with scattered non-farm rural residential lots. The severed lot will require a re-zoning to be match the current zoning on the lot to be which it is to be added. A change of use permit will also be required for the four existing buildings on the severed lot. No concerns were raised as a result of the agency circulation, and not comments were received from area property owners as a result of the public notification.

D. Bennett stated that both he and his clients and the owners concur with the findings and suggested conditions of the staff Planning Report.

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

'Granted'

CONDITIONS:

1. The lot to be severed be appropriately zoned.
2. The parcel intended to be severed be conveyed to the abutting landowner to the immediate south, 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. If required, the owner obtain a Change of Use Permit for the accessory buildings on the lot to be severed, ensuring that the said accessory structures cannot be used for the housing of livestock, to the satisfaction of the Township of Norwich.
4. If required, a 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 Norwich.

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.
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 Land Division Committee did not receive any comments from the public respecting this application.

CARRIED.

B18-48-6; A18-04-6 – Hammond Air Conditioning Ltd. (Part of Block 2, Plan 41M-129, Town of Ingersoll)

Steve Bohner of Hydra Dyne, the prospective purchaser of the lot to be severed, was in attendance to speak to the application. He explained that he is planning to expand his building. The additional land is to be used as an access for emergency and will result in better traffic flow.

The purpose of the Application for Consent is for an industrial lot additional. The lot to be severed will cover an area of approximately 236.6 m² (2,546.7 ft²) and is vacant. The severed lot will be added to the industrial lot to the immediate south. The lot to be enlarged is currently 1.9 ha (4.76 ac.) in area and has a frontage of approximately 330 m (1,082.7 ft.) and contains an industrial building. The lot to be retained will cover an area of approximately 0.53 ha (1.3 ac.) and will have a frontage of approximately 100 m (328.1 ft.) and also contains an industrial building. The newly configured lot and lot to be retained will continue to be used for industrial purposes.

A minor variance is requested for relief from Section 13, Table 13.2, Rear Yard Minimum Depth, to reduce the minimum rear yard requirement of the existing industrial building on the lot to be retained from the required 7.5 m (24.6 ft.) to 3.0 m (9.8 ft.) in the Town of Ingersoll Zoning By-law No. 04-4160.

R. Versteegen briefly reviewed the staff Planning Report and explained the purpose of the application. He indicated that a minor variance has been requested to reduce the building setback from the 7.5 m required to 3.0 m on the retained lot. He stated that the application is consistent with the 2014 Provincial Policy Statement and complies with the Official Plan policies. The proposal generally conforms to the Town's Zoning By-law, except for the minor variance requested. He reviewed the recommendation and suggested conditions in the staff Report, and indicated no concerns or objections were received as a result of the agency circulation. No comments were received from the adjoining neighbours as a result of the public notification process.

S. Bohner indicated that the plant expansion will cost approximately \$10 million and will commence in 2019. He plans to increase his workforce to 200.

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

'Granted'

B18-48-6

CONDITIONS:

1. An Engineer/Architect review the rear wall of the building at 125 Samnah Crescent for limiting distance and fire protection, to the satisfaction of the Town.

2. 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.
3. If required, the owner enter into a standard Severance Agreement with the Town of Ingersoll, to the satisfaction of the Town.
4. A 0.3 m x 0.3 m (1 ft x 1 ft.) parcel of land from the lot to be enlarged (PIN 00147-0179) be deeded to the Town of Ingersoll, free of any encumbrances and costs, and a copy of the registered deed be presented to the Secretary-Treasurer of the Land Division Committee prior to the issuance of the certificate for Application B18-48-6.
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.
4. The Land Division Committee did not receive any comments from the public respecting this application.

A18-04-6

REASONS:

1. The variance requested is a minor variance from the provisions of the Town of Ingersoll Zoning By-law No. 04-4160.
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 Town of Ingersoll Zoning By-law No. 04-4160.

CARRIED.

B18-45-5 – Southside Property Management (London) Inc. (Part Lot 22, Concession 2, Township of Zorra formerly Township of North Dorchester)

No one was in attendance. A letter was received from Bob Morrison requesting a deferral of the application for one month.

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

"Deferred"

REASON:

1. The application be deferred, at the request of the owner for one month, to permit him to provide additional information on his application.

CARRIED.

On the motion of A. Tenhove, the Committee meeting adjourned at 10:15 a.m.

'Gordon Brumby'

CHAIRMAN