

MINUTES

OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, January 23, 2020

The Oxford County Land Division Committee met in the Council Chambers, County Administration Building, Woodstock, Ontario, on Thursday, January 23, 2020 at 9:00 a.m. with the following individuals:

	-	G. Brumby
	-	R. Jull
	-	J. Lessif
	-	D. Paron
	-	P. Rigby
	-	A. Tenhove
	-	C. van Haastert
Senior Planner	-	R. Versteegen
Secretary-Treasurer	-	L. Taschner

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

The Secretary-Treasurer opened the floor for nominations for the position of Chair and Vice Chair of the Committee for the year 2020.

ELECTION OF CHAIR:

Nominations for the position of Chair were invited.

Moved by:           A. Tenhove  
Seconded by:       D. Paron

*“That G. Brumby be nominated for the position of Chair of the County of Oxford Land Division Committee for the year 2020.”*

CARRIED.

G. Brumby accepted the nomination.

Moved by:           J. Lessif  
Seconded by:       R. Jull

*“That the nominations for the position of Chair of the County of Oxford Land Division Committee for the year 2020 be closed.”*

CARRIED.

G. Brumby was declared Chair of the County of Oxford Land Division Committee for the year 2020.

ELECTION OF VICE-CHAIR:

Nominations for the position of Vice-Chair were invited.

Moved by:           R. Jull  
Seconded by:       J. Lessif

*“That A. Tenhove be nominated for the position of Vice-Chair of the County of Oxford Land Division Committee for the year 2020.”*

CARRIED.

A. Tenhove accepted the nomination.

Moved by: J. Lessif  
Seconded by: R. Jull

*“That the nominations for the position of Vice-Chair of the County of Oxford Land Division Committee for the year 2020 be closed.”*

CARRIED.

A. Tenhove was declared Vice-Chair of the County of Oxford Land Division Committee for the year 2020.

DECLARATIONS OF CONFLICT OF INTEREST:

None.

APPROVAL OF MINUTES:

Moved by: J. Lessif  
Seconded by: A. Tenhove

*“The Minutes of the Meeting of December 5, 2019, be approved as printed and circulated.”*

CARRIED.

BUSINESS ARISING FROM MINUTES:

None.

GENERAL BUSINESS:

The procedural matter and other matters of the County By-law will be addressed in the first quarter of 2020.

CORRESPONDENCE:

None.

APPLICATION FOR VALIDATION OF TITLE:

V19-01-2 – William & Betty DeHaan (Part Lot 35, Conc. 19, Township of East Zorra-Tavistock East Zorra)

D. Clarke, the owners' solicitor, was in attendance to present the application. He indicated that his clients are seeking a Validation of Title. He stated that he concurred with the findings and suggested conditions in the staff Planning Report.

The applicant is proposing to obtain a 'validation of title' for the subject lands under Section 57 of the Planning Act, which allows the County Land Division Committee to validate the title of a property that has been conveyed without completing the 'normal' consent process.

Application for Consent B-262-77 was submitted by Henry Lloyd Yantzi on September 23, 1977 to sever a lot comprising 24.7 ha (61 ac) of agricultural land with farm buildings and a single detached dwelling and retain a lot comprising 0.4 ha (1.0 ac) of vacant land for the construction of a single detached dwelling. The application was denied by the County Land Division Committee on March 28, 1978, but was subsequently approved by the Ontario Municipal Board by order dated October 24, 1978. A condition of approval was that a 17-foot road allowance along the frontage of the lot to be retained be dedicated to the County of Oxford.

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Reference Plan 41R-2091 was deposited on March 7, 1979, which identified the 0.4 ha (1.0 ac) 'lot to be retained' as PART 1 and the 17-foot road allowance as PART 2. PART 1, Plan 41R-2091 was rezoned to 'Rural Residential Zone (RR)' by the Township of East Zorra-Tavistock on March 7, 1979 (By-law No. 13-79) and is currently zoned 'Residential Existing Lot Zone (RE)'. PART 1 was transferred to Henry Lloyd Yantzi and Lily Mae Yantzi in January 1981 with the OMB order attached to the transfer. The solicitor for the applicant believes that there was a breach of the Planning Act as the deed for the lot to be severed was not presented to the County for certification and there was no associated by-law passed by the County regarding dedication of the road allowance. However, it is noted that a transfer to the County was registered on October 20, 1980 (Instrument No. 270899) and current property mapping shows PART 2, Plan 41R-2091 as being contained within the existing County road allowance. The lot was subsequently transferred to the current owners, William DeHaan and Betty DeHaan, in 1992. The current owner/applicant is requesting a validation certificate in respect of the most recent conveyance of PART 1 on Plan 41R-2091 to correct the Planning Act errors.

R. Versteegen briefly reviewed the staff Report. He explained that the Planning Act enables Validation of Title where a contravention of the Act has taken place. The application must be consistent with the 2014 Provincial Policy Statement and also comply with the County Official Plan. The decision is not subject to public notification, nor the appeal process. He briefly explained the application and pointed out that the original application was denied by the Land Division Committee, and was subsequently appealed to the Ontario Municipal Board. At its Hearing the Board approved the severance, however, the deed was not stamped prior to its registration. A condition on the severance was to grant a 17-foot road widening. While road widening was dedicated to the County, no By-law was passed by County Council. The owners are now requesting validation for a 1 acre parcel of land, consisting of a house and shed. The application is not consistent with the 2014 Provincial Policy Statement; however, the lot was created in 1978 through an Order by the Ontario Municipal Board and the dwelling and accessory building on the property have existed for a number of years. As such, no new impacts on adjacent properties are anticipated. No comments were received in opposition to the application. The proposal is supportable by Planning staff.

In response to G. Brumby, D. Clarke explained that the DeHaans are not the original owners. The contravention to the Planning Act was determined in November, 2019 when the DeHaans tried selling their property.

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

*"Granted"*

CONDITION:

1. 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.

REASONS:

1. The application for validation of title is consistent with the 2014 Provincial Policy Statement.
2. The application for validation of title complies with the policies of the Oxford County Official Plan.
3. The subject property is appropriately zoned.

CARRIED.

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APPLICATIONS FOR CONSENT;

B19-90-8; A19-16-8 – Bentum Family Homes Inc. (Lot 16 & Part Lot 17, Block G, Plan 52, City of Woodstock)

Tim Bentum was in attendance briefly explained the application to the Committee.

The purpose of the application for consent is to separate an existing semi-detached dwelling into two separate lots. The lots to be severed and retained both comprise approximately 274 m<sup>2</sup> (2,949.4 ft<sup>2</sup>) and contain a semi-detached dwelling unit, which are currently under construction.

An minor variance is requested from Section 7.2, Table 7.2 – Zone Provisions, to reduce the minimum lot area required for a semi-detached dwelling unit from 290 m<sup>2</sup> (3,121.6 ft<sup>2</sup>) to 274 m<sup>2</sup> (2,949.4 ft<sup>2</sup>) for the lots to severed and retained.

R. Versteegen reviewed the staff Planning Report and explained the owner is proposing to create a residential infill lot. The application is consistent with the 2014 Provincial Policy Statement, is complies with the Official Plan policies, and generally conforms to the Woodstock Zoning By-law. He indicated that a minor variance has also been requested along with the severance. No comments or concerns were received as a result of the agency circulation, and no comments were received resulting from the public notification to the neighbours. The minor variance meets the four tests required when making decisions.

T. Bentum stated that he concurred with the findings and suggested conditions in the staff Planning Report.

B19-90-8

Moved by: J. Lessif  
Seconded by: C. van Haastert

*“Granted”*

CONDITIONS:

1. The owner provides confirmation of the location of any existing overhead or underground services installed to the retained and severed lots. Services cannot traverse the adjoining lots and any conflicts must be re-directed or an easement created. Any proposed easements shall be reviewed by the City of Woodstock.
2. The owner shall agree, in writing, to satisfy all requirements, financial and otherwise, of the City of Woodstock, regarding the installation of services and drainage facilities.
3. The owner shall submit a recent as-built survey to confirm lot sizes and building setbacks to the satisfaction of the City of Woodstock.
4. The owner agrees to satisfy all the financial requirements of the County of Oxford, regarding the installation of sanitary and water services for each lot.
5. 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.
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.

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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.

A19-18-8

Moved by: J. Lessif  
Seconded by: C. van Haastert

*“Granted”*

REASONS:

1. The variance requested is a minor variance from the provisions of the City of Woodstock Zoning By-law No. 8626-10.
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 City of Woodstock Zoning By-law No. 8626-10.

CARRIED.

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B19-82-1 – 980381 Ontario Inc. (Part Lot 12, Conc. 7, Township of Blandford-Blenheim, formerly Township of Blenheim)

Brandon Flewwelling was in attendance to present the application. He briefly explained the application, and stated that he concurred with the findings and suggested conditions of the staff Planning Report.

The purpose of the Application for Consent is to create a parcel of land for future residential development purposes, in the Village of Drumbo. The lot to be severed will cover an area of approximately 14.57 ha (36 ac), and is currently vacant. The lot to be retained will cover an area of approximately 14.59 ha (36.1 ac), is in agricultural production and contains three barns, a garage, and two accessory single-detached dwellings. The applicant is also proposing to establish a blanket easement for access purposes over the lot to be severed, in favour of the lot to be retained.

R. Versteegen reviewed the staff Planning Report and explained the applicant wishes to create a lot for future residential purposes in the Village of Drumbo. The retained lot will continue to be used for agricultural purposes. The application also requests an easement for access over the severed lot in favour of the retained lot. Lands to the west and southwest are primarily residential, while there is agriculture to the north and east. Both the severed and retained lots will cover an area of approximately 36 acres. The application is consistent with the 2014 Provincial Policy Statement and complies with the County of Oxford Official Plan. A plan of subdivision will follow upon creation of the lot. The County Public Works Department commented that the Drumbo WWTP is currently operating at its rated capacity. No concerns or objections were received as a result of the public notification to the neighbours.

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In response to R. Jull, R. Versteegen explained that the A2-special zone is to recognize the lot area and the two dwellings on the property.

Moved by: C. van Haastert  
Seconded by: J. Lessif

*“Granted”*

**CONDITIONS:**

1. The lots to be severed and retained be appropriately zoned.
2. A draft copy of the reference plan and Easement Agreement for access over the lot to be severed, in favour of the lot to be retained, shall be provided to the Secretary-Treasurer of the Land Division Committee, prior to the issuance of the certificate, and the said Agreement shall be registered on title.
3. If required, the Owner shall enter into a standard Severance Agreement(s) with the Township of Blandford-Blenheim, to the satisfaction of the Township of Blandford-Blenheim.
4. 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 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 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.

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**B19-87-6 – Sifton Properties Ltd.** (Block 66, Plan 41M-309, Town of Ingersoll)

Deryck Walden, the solicitor for Execulink, the applicant, was in attendance to present the application. He explained that the severance is to permit the construction of a telecom building to house computers and hardware. There will be no office space.

The purpose of the Application for Consent is to create a commercial lot within the Town of Ingersoll that is to front onto the north side of Clarke Road E., west of Hollingshead Road. The lot to be severed is to cover an area of approximately 181.99 m<sup>2</sup> (1,958.9 ft<sup>2</sup>) and is currently vacant. A telecommunications network utility building is to be constructed on the proposed severed lot. The proposed lot to be retained is to cover an area of approximately 4,905 m<sup>2</sup> (5,2467.2 ft<sup>2</sup>), is also vacant, and is to be used for future commercial purposes.

R. Versteegen reviewed the staff Planning Report. He indicated that the application is consistent with the 2014 Provincial Policy Statement and complies with the County of Oxford Official Plan.

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No concerns were raised as a result of the agency circulation and no comments or concerns were received from neighbours who were circulated the public notification. He indicated that a zone change will be required. Planning staff is recommending approval of the application, subject to a number of conditions.

D. Walden stated that he concurred with the findings and suggested conditions of the staff Planning Report.

In response to G. Brumby, D. Walden indicated that the utility building will measure 10' x 20' and will house racks for computers.

Moved by: J. Lessif  
Seconded by: D. Paron

*“Granted”*

CONDITIONS:

1. The lot to be severed be appropriately zoned.
2. The owners shall agree, in writing, to satisfy all requirements, financial and otherwise, of the Town of Ingersoll, regarding the installation of services and drainage facilities.
3. The Clerk of the Town of Ingersoll advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Ingersoll 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 Land Division Committee did not receive any comments from the public respecting this application.

CARRIED.

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B19-89-5 – Tom Thomson Motors Ltd. (Lot 1, E of Huron Street & Part Lot 1, S of Kincardine Street, Plan 164, Township of Zorra, formerly Village of Embro)

Tom Thomson was in attendance to speak to his application. He briefly explained the application to the Committee.

The purpose of the Application for Consent is for a residential lot addition. The lot to be severed will cover an area of approximately 500 m<sup>2</sup> (5,445 ft<sup>2</sup>), with frontage of approximately 10 m (33 ft) along Huron Street (Oxford Road 6), containing a portion of an existing detached accessory building, and will be added to the adjacent property directly to the north (144 Huron Street). The lot to be enlarged comprises 1,000 m<sup>2</sup> (10,890 ft<sup>2</sup>) and contains an existing single detached dwelling and a portion of a detached accessory building. The lot to be retained will cover an area of approximately 1,870 m<sup>2</sup> (19,980 ft<sup>2</sup>), with frontage of 34 m (111 ft) along Huron Street (Oxford Road 6), and is currently vacant. The properties are zoned “Highway Commercial Zone (HC)” and no changes to the existing land uses are proposed.

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R. Versteegen reviewed the staff Planning Report and explained that the application is for a commercial lot addition, which will resolve an historical encroachment. No new lots are being created. There is a mix of residential and commercial uses in the vicinity. The application is consistent with the 2014 Provincial Policy Statement, complies with the Official Plan policies, and conforms to the Township's Zoning By-law provisions. No concerns were received as a result of the agency circulation and no comments were received resulting from the public notification to the neighbours.

T. Thomson stated that he concurred with the findings and suggested conditions of the staff Planning Report.

It was pointed out that a former road allowance exists on the retained lot.

Moved by: A. Tenhove  
Seconded by: P. Rigby

*"Granted"*

CONDITIONS:

1. A road widening of 3.0 m (9.8 ft) along the frontage of the lot to be severed and the lot to be retained, be dedicated to the County of Oxford, free of all costs and encumbrances, to the satisfaction of the County Director of Public Works.
2. The owner obtain a Change of Use permit to formalize the use of the existing accessory structure as an accessory use associated with the existing residential dwelling on the lot to be enlarged, to the satisfaction of the Township of Zorra.
3. The Owner submit a building location survey prepared by an Ontario Land Surveyor to confirm that the minimum interior side yard setback of 1.5 m (4.9 ft) will be provided between the existing accessory structure and the proposed lot boundary, to the satisfaction of the Township of Zorra.
4. The Property Identifier Numbers (PINs) be consolidated for the subject property, prior to the stamping of the deed or issuance of the Certificate, to the satisfaction of the Secretary-Treasurer of the Land Division Committee.
5. 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.
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.
4. The Land Division Committee did not receive any comments from the public respecting this application.

CARRIED.

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B19-91-3; A19-15-3 – Joshua Deming & Megan Dawdy (Lot 185, Plan 745, Township of Norwich, formerly Township of North Norwich)

Brad Deming was in attendance representing the owners. He presented the application to the Committee. He stated that the application proposes to create a new residential lot in the Village of Norwich. The Committee along with the agent, reviewed two letters received as late correspondence. The first letter was from Keila Cambridge who objected to the application as she felt that adding an additional residential lot would add unnecessary strain on the infrastructure of the streets' plumbing, and that already there was inadequate water pressure and sewage. She also was concerned with safety in the neighbourhood due to the construction. The second letter received from Lee & Sharron Eddy indicated they had no objection to the application.

The purpose of the Application for Consent is to create a new residential lot in the Village of Norwich. It is proposed that the lot to be severed will comprise approximately 675.9 m<sup>2</sup> (7,275.3 ft<sup>2</sup>) and contains an existing residential accessory building, which will be removed. The lot to be retained will be approximately 805 m<sup>2</sup> (8,664.9 ft<sup>2</sup>) in size and contains an existing single detached dwelling. The owners have also applied for a Partial Discharge of Mortgage.

A Minor Variance has been requested to allow for a reduced lot frontage for the lot to be severed of 14 m (46 ft), whereas 15 m (49.2 ft) is required for lands zoned 'Residential Type 1 (R1)' in the Township of Norwich Zoning By-law No. 07-2003-Z. A new single detached dwelling is proposed to be constructed on the lot to be severed.

R. Versteegen briefly reviewed the staff Planning Report. He indicated that the application proposes to create an infill lot, with an accompanying minor variance to reduce the lot frontage for the lot to be severed. The retained lot contains an existing single detached dwelling. The existing garage situated on the lot to be severed will be removed to accommodate a new house. The application is consistent with the 2014 Provincial Policy Statement (PPS), complies with the County of Oxford Official Plan policies, and conforms to the Township of Norwich Zoning By-law with the exception of the request for the minor variance. No concerns were raised during the agency circulation. He addressed the letter of objection from K. Cambridge, and indicated that there are no concerns with servicing, water pressure or safety. He stated that Planning staff is in support of the severance.

B. Deming stated that he concurred with the findings and suggested conditions of the staff Planning Report.

In response to J. Lessif, B. Deming indicated that his son and daughter-in-law purchased the property approximately one year ago. He indicated that he did not know who Keila Cambridge was.

B19-91-3

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

*'Granted'*

CONDITIONS:

1. The existing residential accessory building on the lot to be severed be removed, to the satisfaction of the Township of Norwich.
2. Sufficient driveway access for the lot to be retained be established, to the satisfaction of the Township of Norwich.
3. If required, the owners enter into a Severance Agreement with the Township of Norwich, to the satisfaction of the Township Chief Administrative Officer.
4. 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.

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. Comments received from the public were reviewed, and where appropriate, were considered in the Land Division Committee's decision to approve the application.

A19-15-3

Moved by: R. Jull  
Seconded by: C. Van haastert

*'Granted'*

REASONS:

1. The variance requested is a minor variance from the provisions of the Township of Norwich Zoning By-law No. 07-2003-Z.
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 Township of Norwich Zoning By-law No. 07-2003-Z.

CARRIED.

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On the motion of J. Lessif, the Committee meeting adjourned at 10:15 a.m.

*"G. Brumby"*

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CHAIRMAN