

MINUTES

OXFORD COUNTY LAND DIVISION COMMITTEE

HYBRID HEARING

Thursday, December 7, 2023

The Oxford County Land Division Committee met in the Council Chambers, County Administration Building, Woodstock, Ontario, and met virtually via livestream, on Thursday, December 7, 2023, at 10:30 a.m. with the following individuals:

Chairperson	-	G. Brumby
	-	L. Martin
	-	J. Lessif
	-	D. Paron
	-	D. Matheson - <i>Absent</i>
	-	A. Tenhove
	-	C. van Haastert
Senior Planner	-	H. St. Clair
Secretary-Treasurer	-	A. Karn Sims

The meeting was called to order at 10:33am.

DECLARATION OF CONFLICT OF INTEREST:

None.

APPROVAL OF MINUTES:

Moved by: J. Lessif
Seconded by: L. Martin

"The Minutes of the Meeting of November 2, 2023, be approved as amended, printed and circulated."

CARRIED.

BUSINESS ARISING FROM THE MINUTES:

None.

CORRESPONDENCE:

1. Correspondence dated November 28, 2023, received from Township of Norwich
RE: Application B23-69-3; A23-21-3 (Estate of Barry Smith)

APPLICATIONS FOR CONSENT:

B23-69-3; A23-21-3 – Estate of Barry Smith
(Pt Lt 12-13, Conc. 1 (North Norwich), Township of Norwich)

Greg Boddy, the agent, was present via webex to speak to the application.

H. St. Clair reviewed the staff Planning Report. The purpose of this application is to create an agricultural lot. The lot to be severed will be approximately 30.3 ha (75 ac) with approximately 311 m (1,020 ft) of frontage onto Beaconsfield Road. The lot to be retained contains an existing single detached dwelling, two (2) agricultural storage buildings and is currently used for agricultural production. The lot to be retained will be approximately 50.8 ha (125 ac) in area with approximately

10 m (32.8 ft) of frontage onto Highway 59. The lot to be retained contains an existing single-detached dwelling, barn, and two (2) agricultural storage buildings and is currently used for agricultural production. The proposed lots previously existed as separate parcels and merged inadvertently. No new development is proposed as a result of the consent application.

The applicant is requesting a variance from Table 7.2 zone provisions for the frontage of the lot to be retained from 100 m (328.1 ft) to 10 m (32.8 ft). The variance would recognize the existing private lane used to access the subject lands.

The subject lands are described as Part of Lot 12, 13 & 14, Concession 1 (North Norwich) Township of Norwich. The lands are located on the south side of Beaconsfield Road, lying between Middletown Line and McCready Line and are municipally known as 405434 Beaconsfield Road and 385419 Highway 59.

Both the severed and retained lots do contain separate areas that have been identified as significantly ecologically and other ecologically important woodlands as identified in the Oxford Natural Heritage Systems Study. It is noted that no new development is being proposed.

The severed and retained lands were inadvertently merged following the death of the owner of the lot to be severed. The requested consent will restore the parcels to the former configurations as they existed in 2008.

No comments of concern were received from agencies circulated.

Late correspondence was received from the Township of Norwich who commented that they request as a condition for approval that the section of Smith's Lane between McNab Lane and Hwy 59 be conveyed to the Township. This section has been maintained by the Township historically as a public highway for the last 25 years.

Planning staff have reviewed the application and are satisfied that the proposal meets the criteria and recommend approval subject to the amended noted conditions to include the deeding of Smith's Lane to the Township of Norwich.

G. Boddy had no questions. He noted that they were unaware of the road allowance issue but that they are in agreement with the conditions as proposed. He understood and accepted the two conditions.

In response to D. Paron, H. St. Clair stated that the Township has the ability to take road widenings and land dedications without going through the Consent process which is the case in this instance. That portion of land would be drafted into the Reference Plan and then that would be deeded directly to the Township.

In response to A. Tenhove, H. St. Clair noted that yes, a Minor Variance would still be necessary if a portion is dedicated to the Township.

No further comments or questions were raised by the Committee.

B23-69-3

Moved by: L. Martin
Seconded by: J. Lessif

'Granted'

CONDITIONS:

1. The portion of Smith's Lane from Highway 59 to McNab Lane be conveyed and dedicated to the Township as a public highway, free of all costs and encumbrances, at the Owner's expense, to the satisfaction of the Township of Norwich.
2. 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.

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 two years of the mailing of this Notice of Decision. If all conditions are not met within two years, 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 two years from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within two years, the consent herein shall lapse.

REASONS:

1. The application for consent is consistent with the 2020 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.

A23-21-3

Moved by: L. Martin
Seconded by: J. Lessif

'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 Township of Norwich Zoning By-law No. 07-2003-Z.

CARRIED.

B22-88-6; B22-89-6 – AliAce Corp.
(Lt 90, Lt 92 & Pt Lt 91, Plan 301, Town of Ingersoll)

Ali Zulfiqar, the owner, was present to speak to this application.

H. St. Clair reviewed the staff Planning Report. The application for consent proposes the creation of a residential infill lot containing one semi-detached dwelling unit (currently under construction), for a total of two new residential parcels in the Town of Ingersoll. Specifically, it is proposed that the lots to be severed and retained from both applications will be 1,212.4 m² (13,050.5 ft²) in size, with frontages of 9.14 m (29.9 ft) and depths of 33 m (108.3 ft) and each lot will contain one semi-detached dwelling unit. The subject lands were previously severed by the Land Division Committee via consent application B20-80 6.

The subject property is described as Lots 90-92, Block 110, Plan 301, in the Town of Ingersoll. The property is located on the west side of Kensington Avenue, lying between Clarence Avenue

and King Solomon Street and is municipally known as 253 Kensington Avenue.

No comments of concern were received by the agencies circulated.

Planning staff reviewed the report and recommended approval subject to the noted conditions.

A. Zulfiqar had no questions or concerns and accepted the conditions contained within the report.

In response to D. Paron, A. Zulfiqar noted that for application B22-88-6, discussions were had with the Town of Ingersoll Engineering department and NA Geomatics took into consideration the steep hill and drainage issues and retaining walls and drainage tiles and new drainage system have been put in place.

G. Brumby also noted that condition 5 of the report specifically requires a grading plan.

A. Zulfiqar added that they realized the importance of proper drainage when they began construction and have assisted with neighbouring properties drainage solutions as well to ensure it lasts.

B22-88-6

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

'Granted'

CONDITIONS:

1. The Owner provides cash-in-lieu of parkland, to the satisfaction of the Town of Ingersoll.
2. The owner agrees to satisfy all requirements, financial and otherwise, of the County of Oxford, regarding the installation of water and sanitary sewer services, to the satisfaction of the County of Oxford Public Works Department.
3. Confirmation shall be received that both the lot to be severed and the lot to be retained are serviced independently with municipal water and sanitary services and such services shall not cross the proposed property lines, to the satisfaction of the Oxford County Public Works Department.
4. 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 Town of Ingersoll.
5. The Owner(s) shall prepare an overall grading plan and servicing plan for both the proposed severed and retained lots, to the satisfaction of the Town of Ingersoll.
6. A letter be provided by the Clerk of the Town of Ingersoll advising the Secretary-Treasurer of the Land Division Committee that all requirements of the Town, 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 two years of the mailing of this Notice of Decision. If all conditions are not met within two years, 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 two years, the consent herein shall lapse.

REASONS:

1. The application for consent is consistent with the 2020 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.

B22-89-6

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

'Granted'

CONDITIONS:

1. The Owner provides cash-in-lieu of parkland, to the satisfaction of the Town of Ingersoll.
2. The owner agrees to satisfy all requirements, financial and otherwise, of the County of Oxford, regarding the installation of water and sanitary sewer services, to the satisfaction of the County of Oxford Public Works Department.
3. Confirmation shall be received that both the lot to be severed and the lot to be retained are serviced independently with municipal water and sanitary services and such services shall not cross the proposed property lines, to the satisfaction of the Oxford County Public Works Department.
4. 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 Town of Ingersoll.
5. The Owner(s) shall prepare an overall grading plan and servicing plan for both the proposed severed and retained lots, to the satisfaction of the Town of Ingersoll.
6. A letter be provided by the Clerk of the Town of Ingersoll advising the Secretary-Treasurer of the Land Division Committee that all requirements of the Town, 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 two years of the mailing of this Notice of Decision. If all conditions are not met within two years, 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 two years, the consent herein shall lapse.

REASONS:

1. The application for consent is consistent with the 2020 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.

B23-63-7; B23-64-7 – Neil & Eva Hiebert
(Lt 43 & 44, Plan 41M144, Town of Tillsonburg)

Trevor Benjamins, the agent, was online to speak to the application.

H. St. Clair reviewed the staff Planning Report. The Application for Consent seeks to sever lands containing a semi-detached dwelling into two separately conveyable lots. The proposed lots to be severed and retained will have a frontage of 7.79 m (25.5 ft), lot depth of 38.10 m (125 ft), and area of 297 m² (3,196.8 ft²).

The subject lands are legally described as Lot 44, Plan 41M-144, in the Town of Tillsonburg. The subject lands are located on the north side of Concession Street West, between Walnut Drive to the west and Quarter Town Line to the east and are known municipally as 158A and 158B Concession Street West.

Essentially this application seeks to create 4 lots side by side. Planning staff have reviewed the proposal and are satisfied that it does represent appropriate infill development. The existing semi-detached dwelling units are in keeping with the character of the existing residential uses in the immediate area and the severance will continue to comply with the low-density residential policies of the Official Plan. The subject lands do have a site specific zoning in the Town of Tillsonburg Zoning By-Law (zoned R2-32), and staff are satisfied that the proposed lot area, frontage and depth is compliant with By-law.

No comments or concerns were received from the public or the agencies circulated.

The Town of Tillsonburg did comment that the subject lands must be separately serviced by municipal water and sanitary services and that proof is required that the Tarion warranty be registered for the subject lands. These requests have been included in the conditions of approval to the satisfaction of the Town of Tillsonburg.

Overall Planning staff are of the opinion that this application can be supported from a Planning perspective subject to the recommended conditions outlined in the report.

T. Benjamins noted that they concur with the recommendation for approval. He noted that their only concern is with condition #8 which states that the owners must provide proof of Tarion registration. They did reach out to the Town of Tillsonburg but are still unclear why this is a condition and asked if any flexibility could be considered to approve the application without that condition.

In response to T. Benjamins, H. St. Clair stated that typically the Tarion registry is dealt with through building permit process but that wasn't the case in this instance. The Town of Tillsonburg asked for it to be considered as a condition for the approval of the consent. It is generally outside the scope of the Land Division Committee's ability to include as a condition however the Town of Tillsonburg would like to see it addressed through this process if possible. If not, there may be other mechanisms that the Town could utilize to ensure that the Tarion warranty is applied. If the committee does not want include it as a condition, there are other opportunities for the Town to secure that.

In response to G. Brumby, H. St. Clair noted that the Tarion warranty is something that's generally not required if you are building your own house. It is something that the building departments look at if you are a developer and you are building homes for the purpose of selling them. Essentially it is a warranty that tries to ensure the longevity and quality of the structures. Because the intent with this application is to sell the lands the Town would like to ensure that this warranty is applied because wasn't addressed at the building permit stage.

G. Brumby noted that the Town is asking that the Committee pick up where it missed and that this isn't something that they have seen requested before.

J. Lessif commented that his understanding is that Tarion is an option for the builder/developer to sign on to. It's an organization that troubleshoots issues that may arise once the owner takes possession of the home. He does not think this Committee should be responsible for insisting that take place. If the Town of Tillsonburg wants to insist on it then it should be done through the municipal process not the land division process.

D. Paron noted that the rezoning was actually done by Landmark homes in 2022. We haven't seen any applications showing that requirement in the past. She noted that she doesn't have a problem with that condition if there isn't an indication of who the builder is and if the builder is actually licensed by Tarion. It is an added step to give some cover to people who will be buying the home.

A. Tenhove commented that he agrees with J. Lessif in that he doesn't think it's the decision of this Committee to insist on the construction warranty for a new home and that he would be in favour of removing the condition.

T. Benjamins noted that he was also the agent on the application when this got rezoned and the land was originally owned by Landmark Homes and then sold to the Hieberts. He agreed with comments that it's really not a standard condition and he would prefer to have it removed. If the Town of Tillsonburg Chief Building Officer does require that they can follow up accordingly with the new owner.

In response to D. Paron, H. St. Clair noted that she is not aware of any vendor requirements to advise the purchasers that there is no Tarion warranty.

The Committee decided to remove condition #8 which requested that the owner shall provide proof of Tarion registration to the satisfaction of the Town of Tillsonburg for both application B23-63-7 & B23-64-7.

B23-63-7

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

'Granted'

CONDITIONS:

1. The Owner shall provide confirmation of the location of any 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 Town of Tillsonburg.
2. The Owner(s) shall agree in writing to submit an updated survey to confirm lot sizes and building setbacks for the lot to be severed and the lot to be retained, to the satisfaction of the Town of Tillsonburg.
3. The Owner(s) shall agree in writing to submit a lot grading plan, including services for the lot to be severed and the lot to be retained to the satisfaction of the Town of Tillsonburg Engineering Services Department.
4. The lands to be severed and the lands to be retained must be serviced independently with sanitary and water. The Owner shall agree, in writing, to satisfy all requirements, financial and otherwise, of the Town of Tillsonburg, regarding the installation of services and drainage facilities, to the satisfaction of the Town of Tillsonburg. Any work being completed in the Town's right-of-way will require an Encroachment Permit and the owner shall agree that a representative of the developer's consultant be on-site for any work being completed in the Town's right of way. The Owner shall submit a stamped and sealed letter to the Town of Tillsonburg from the consulting engineer stating that all servicing and restoration work has been completed to the Town's design standards. The Owner shall agree, in writing, to satisfy all requirements, financial and otherwise, of the Town of Tillsonburg regarding the installation of services and drainage facilities.
5. The Owner shall provide an Oxford County Connection application to the Town of Tillsonburg

Engineering Services Department prior to construction.

6. The Owner shall provide cash-in-lieu of parkland, to the satisfaction of the Town of Tillsonburg.
7. The Owner shall satisfy all the financial requirements of the County of Oxford, regarding the installation of sanitary and water services, to the satisfaction of the County of Oxford Public Works Department.
8. The Clerk of the Town of Tillsonburg advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Tillsonburg have been complied with.
9. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within two years of the mailing of this Notice of Decision. If all conditions are not met within two years, 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 two years, the consent herein shall lapse.

REASONS:

1. The application for consent is consistent with the 2020 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.

B23-64-7

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

'Granted'

CONDITIONS:

1. The Owner shall provide confirmation of the location of any 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 Town of Tillsonburg.
2. The Owner(s) shall agree in writing to submit an updated survey to confirm lot sizes and building setbacks for the lot to be severed and the lot to be retained, to the satisfaction of the Town of Tillsonburg.
3. The Owner(s) shall agree in writing to submit a lot grading plan, including services for the lot to be severed and the lot to be retained to the satisfaction of the Town of Tillsonburg Engineering Services Department.
4. The lands to be severed and the lands to be retained must be serviced independently with sanitary and water. The Owner shall agree, in writing, to satisfy all requirements, financial and otherwise, of the Town of Tillsonburg, regarding the installation of services and drainage facilities, to the satisfaction of the Town of Tillsonburg. Any work being completed in the Town's right-of-way will require an Encroachment Permit and the Owner shall agree that a representative of the developer's consultant be on-site for any work being completed in the Town's right of way. The Owner shall submit a stamped and sealed letter to the Town of Tillsonburg from the consulting engineer stating that all servicing and restoration work has been completed to the Town's design standards. The Owner shall agree, in writing, to satisfy all requirements, financial and otherwise, of the Town of Tillsonburg

regarding the installation of services and drainage facilities.

5. The Owner shall provide an Oxford County Connection application to the Town of Tillsonburg Engineering Services Department prior to construction.
6. The Owner shall provide cash-in-lieu of parkland, to the satisfaction of the Town of Tillsonburg.
7. The Owner shall satisfy all the financial requirements of the County of Oxford, regarding the installation of sanitary and water services, to the satisfaction of the County of Oxford Public Works Department.
8. The Clerk of the Town of Tillsonburg advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Tillsonburg have been complied with.
9. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within two years of the mailing of this Notice of Decision. If all conditions are not met within two years, 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 two years, the consent herein shall lapse.

REASONS:

1. The application for consent is consistent with the 2020 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.

B23-57-5 – Gamville Farm Ltd.

(Lt 23, Conc. 4 (West Zorra), except Pt 7-10, 41R1711, Township of Zorra)

Gerard Schryver, owner, was in person to speak to the application.

H. St. Clair reviewed the staff Planning Report. The purpose of this application is to sever one (1) new lot for Agricultural purposes and retain a lot for similar purposes. The applicant is proposing to sever an area of approximately 40 ha (100 ac) and retain an area of 40 ha (100 ac). The lot to be severed is currently vacant (cash cropping lands), while the lot to be retained contains an existing single-detached dwelling, a cattle barn and various accessory structures. The subject lands have frontage on 37th Line. No new development is being proposed as a result of the application for consent.

The subject land is described as Lot 23, Conc. 4, is located between 37th Line and 35th Line, north of Road 88, and is municipally referred to as 376403 37th Line, Township of Zorra.

Planning staff are satisfied that the proposal is consistent with the PPS, is compatible with the existing scale of farm operations in the area, and it does comply with the Township of Zorra Zoning By-Law.

The Township of Zorra did request that a drainage assessment reapportionment be included as a condition of approval.

No further concerns were received from the agencies circulated or the public.

Planning Staff have reviewed the application and recommend approval subject to the noted conditions.

G. Schryver had no questions or concerns and accepted the noted conditions.

B23-57-5

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

'Granted'

CONDITIONS:

1. 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 Zorra.
2. The Clerk of the Township of Zorra advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Township, 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 two years of the mailing of this Notice of Decision. If all conditions are not met within two years, 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 two years, the consent herein shall lapse.

REASONS:

1. The application for consent is consistent with the 2020 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.

On the motion of J. Lessif, the Committee meeting adjourned at 11:19 am.

"Original Signed by"

CHAIRPERSON