

MINUTES

OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, August 3, 2017

The Oxford County Land Division Committee met in the Council Chamber, County Administration Building, Woodstock, Ontario, on Thursday, August 3, 2017 at 9:00 a.m. with the following individuals:

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

"The Minutes of the Meeting of July 6, 2017, be approved as printed and circulated."

CARRIED.

BUSINESS ARISING FROM MINUTES:

None.

GENERAL BUSINESS:

None.

CORRESPONDENCE:

Correspondence dated July 27, 2017 was received from the Upper Thames River Conservation Authority regarding Applications B17-20-6; A17-04-6 and B17-21-6; A17-05-6 (1551991 Ontario Inc.).

Correspondence dated July 27, 2017 was received from the Upper Thames River Conservation Authority regarding Application B17-36-6 (Joe Webb Home Improvements Ltd. & Lynn Louise Webb).

A letter of concern dated July 31, 2017 was received from Tracy Brouwer regarding Application B17-33-8 (Oxford Baptist Church).

APPLICATIONS FOR CONSENT:

B17-33-8 – Oxford Baptist Church (Part Lot 4, Registered Plan 10, City of Woodstock)

Rev. R. Pifer, together with his agent, Frank Tang, were in attendance. F. Tang presented the application to the Committee. He reviewed the late correspondence received from Tracy Brouwer. He explained that he proposes to convert the existing school situated on the lot to be severed for a 30-unit residential development with a mix of low income and market rental housing.

The purpose of the Application for Consent is for a severance to re-establish the former lot line. The lot to be severed will cover an area of approximately 2,814.4 m² (30,294 ft²) and contains a former elementary school. The lot to be retained will cover an area of approximately 3,124.5 m² (33,632 ft²) and contains the Oxford Baptist Church. The applicant proposes to convert the former elementary school to an apartment dwelling house.

G. Hough briefly reviewed the staff Planning Report. He indicated the application is to separate the existing school from the Oxford Baptist Church property. The properties inadvertently merged on title. Both properties are located within the Institutional designation on the Land Use Plan in the County Official Plan. The severance line follows the original lot line that existed prior to the merger of the two properties that occurred when the church purchased the school property a number of years ago. He indicated that the application is consistent with the 2014 Provincial Policy Statement and complies with the Official Plan policies. Re-zoning of the severed lot will be required to permit the use of the lands for any residential use.

F. Tang stated that he concurs with the suggested conditions and the recommendation of the staff Planning Report.

In response to T. Rock, G. Hough stated that further applications will be required for the proposed development on the severed lot and any deficiencies regarding yard setbacks, parking, etc., will be addressed at that time.

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

'Granted'

CONDITIONS:

1. The lots to be severed and retained be appropriately zoned.
2. 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.
3. The owner provides confirmation of any encroachments onto the City-owned Hunter Street boulevard, i.e., existing retaining wall, fence and parking lot and these features are to remain in place with the re-development of the property, the owner shall be required to enter into a standard Severance Agreement with the City of Woodstock. The Severance Agreement shall include a clause that identifies the encroaching features and shall require the owners to maintain them at their expense. The Severance Agreement shall be registered on title, free from any encumbrances at the owner's expense.
4. 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.
5. The owner shall provide a recent survey confirming lot sizes and building setbacks, to the satisfaction of the City of Woodstock Engineering Department.
6. 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.

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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.

B17-27-8 – Elise Harris (Part of Park Lot 6, Registered Plan 187, City of Woodstock)

Ross Harris & Diane Smith were in attendance. D. Smith presented the application and explained that they are applying for a lot addition from the rear of the lot at 769 Parkinson Road to be added to their property at 771 Parkinson Road.

The purpose of the application for consent is for a lot addition. The lot to be severed will cover an area of approximately 527 m² (5,673 ft²) and will be added to the residential lot to the immediate east, which covers an area of approximately 932.7 m² (10,040 ft²) and contains an existing single-detached dwelling, garage and shed. The lot to be retained will cover an area of approximately 545.3 m² (5,870 ft²) and contains an existing single-detached dwelling and garage.

G. Hough briefly reviewed the staff Planning Report. He stated that the application is consistent with the 2014 Provincial Policy Statement, complies with the Official Plan policies and will continue to meet the zone provisions of the City's Zoning By-law. Staff have recommended approval of the application.

D. Smith stated that they concur with the suggested conditions and the recommendation of the staff Planning Report.

In response to T. Rock, G. Hough explained that the severed lot will not be a separate lot and will be consolidated with the lands to the east, resulting in one lot.

G. Brumby asked the applicants to explain the reason for the severance. In response, D. Smith stated that her mother-in-law is proposing to sell her home and the additional lands will enhance their property.

Moved by: H. Elliott
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. The owner provide 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.

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3. 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.
 4. If required, the owner shall provide a recent survey confirming lot sizes and building setbacks, to the satisfaction of the City of Woodstock Engineering Department.
 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.

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.

B17-35-3 – Gregory H. Prouse (Lots 139 & 140, Plan 745, Township of Norwich, formerly Village of Norwich)

Michael Szorenyi was in attendance representing the owner's solicitor, Mr. Bradly Bennett. M. Szorenyi briefly explained the application to the Committee.

Also in attendance were Simon & Jean Burson, 28 North Court Street West, Norwich ON N0J 1P0.

The purpose of the application for consent is to create a residential building lot in the Village of Norwich. The lot to be severed comprises approximately 1,810 m² (19,482.7 ft²), and is currently vacant. A single detached dwelling is intended to be constructed on the lot to be severed. The lot to be retained comprises approximately 1,116 m² (12,012.5 ft²), and contains an existing single detached dwelling, detached garage and in-ground swimming pool. The owner has also requested a Partial Discharge of Mortgage.

G. Hough briefly reviewed the staff Planning Report. He pointed out that the application is consistent with the 2014 Provincial Policy Statement, complies with the Official Plan policies and concurs with the provisions of the Township's Zoning By-law. Staff have recommended approval of the application. The County Public Works Department has indicated that the location of the sanitary sewer serving the existing dwelling may need to be relocated, but that this relocation would not be of concern to the County.

M. Szorenyi stated that he concurs with the suggested conditions and the recommendation of the staff Planning Report, and further noted that the application complies with all planning principles and the severance makes good use of the land.

S. Burson stated that he and his wife have concerns with the severance as they will lose the privacy they have enjoyed.

G. Brumby explained to the Bursons that the owner will need to adhere to by-laws when

constructing his home.

In response to T. Rock's question regarding where the house and parking will be, M. Szorenyi stated that he could not answer that question.

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

'Granted'

CONDITIONS:

1. If required, the owner enter into a Severance Agreement with the Township of Norwich, to the satisfaction of the Township Chief Administrative Officer.
2. 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 and lot to be retained 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. In order to clear this condition, a copy of the draft Severance Agreement which addresses the above requirements to the satisfaction of the County of Oxford Public Works Department, must be provided to the Public Works Department.
3. 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 the relocation of the existing sanitary service for the dwelling located on the lot to be retained, 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. In order to clear this condition, a copy of the draft Severance Agreement which addresses the above requirements to the satisfaction of the County of Oxford Public Works Department, must be provided to the Public Works Department.
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 is in keeping 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.

CARRIED.

B17-20-6; A17-04-6 & B17-21-6; A17-05-6 – 1551991 Ontario Inc. (Lot 33 & Part Lots 32 & 34, Plan 279, Town of Ingersoll)

Denis Brolese, the owner’s agent, was in attendance to present the application. He indicated that a semi-detached dwelling is proposed to be constructed on each severed lot, while a single detached dwelling is proposed for the retained lot. Minor variances have also been requested from the Town of Ingersoll Zoning By-law.

The applications for consent propose to create 2 residential infill lots. Both lots to be created are to be approximately 720 m² (7,750 ft²) in area, are currently vacant and are proposed to accommodate semi-detached dwellings on each lot. The lot to be retained is to be approximately 436 m² (4,693 ft²) in area, is currently vacant and is proposed to accommodate a single detached dwelling. Both the proposed severed and retained lots have direct access to Carnegie Street. The owners have also applied for Partial Discharges of Mortgage.

The application for minor variance proposes the following variances to enable the intended severances:

By-law Section	Lots to be Severed (B17-20-6 & B17-21-6)		Lot to be Retained	
	Required	Proposed	Required	Proposed
5.15.1 Noise and Vibration (Class 1 Industrial Use)	20 m (65.6 ft.)	18 m (59 ft.)	20 m (65.6 ft.)	18 m (59 ft.)
7.2 Lot Frontage			11.5 m (37.7 ft.)	10.9 m (35.8 ft.)

G. Hough briefly reviewed the staff Planning Report. He stated that the application is consistent with the 2014 Provincial Policy Statement, complies with the policies of the Official Plan, and the property is appropriately zoned R2. He concurred with the agent, that relief is sought from the Noise and Vibration setback requirement for the severed and retained lots, and from the lot frontage requirement of the retained lot. The Town of Ingersoll requested the Noise Study Report which was undertaken at the expense of the owners. Planning staff has recommended approval of the applications.

D. Brolese stated that he concurs with the suggested conditions and the recommendation of the staff Planning Report.

In response to T. Rock, D. Brolese indicated that his clients had no issues regarding the recommendations of the Noise Study Report.

B17-20-6; A17-04-6

Moved by: T. Rock
 Seconded by: H. Elliott

'Granted'

B17-20-6

CONDITIONS:

1. All financial requirements of the County with respect to the provision and installation of water and wastewater services must be complied with to the satisfaction of the County of Oxford Public Works Department.
2. The owner shall enter into a Severance Agreement with the Town of Ingersoll, to the satisfaction of the Town of Ingersoll. Provisions shall include that the owner agrees to implement the recommendations the noise study titled ‘209 Carnegie Street – Noise and Vibration Impact Study, prepared by Swallow Acoustic Consultants Ltd’, dated June 9, 2017, and further shall provide a grading plan for the proposed development and also obtain Road Allowance Excavation Permits from the Town.

3. 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.
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.
4. The Land Division Committee did not receive any comments from the public respecting this application.

A17-04-6

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 Town of Ingersoll Zoning By-law No. 04-4160.

B17-21-6; A17-05-6

Moved by: T. Rock
Seconded by: H. Elliott

'Granted'

B17-21-6

CONDITIONS:

1. All financial requirements of the County with respect to the provision and installation of water and wastewater services must be complied with to the satisfaction of the County of Oxford Public Works Department.
2. The owner shall enter into a Severance Agreement with the Town of Ingersoll, to the satisfaction of the Town of Ingersoll. Provisions shall include that the owner agrees to implement the recommendations the noise study titled '209 Carnegie Street – Noise and Vibration Impact Study, prepared by Swallow Acoustic Consultants Ltd', dated June 9, 2017, and further shall provide a grading plan for the proposed development and also obtain Road Allowance Excavation Permits from the Town.

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3. 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.
 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.
4. The Land Division Committee did not receive any comments from the public respecting this application.

A17-05-6

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 Town of Ingersoll Zoning By-law No. 04-4160.

CARRIED.

B17-36-6 – Joe Webb Home Improvements Ltd. & Lynn Webb (Lot 10, Block 11, Plan 279, Town of Ingersoll)

Joe Webb was in attendance to present his application. He stated that he is seeking to sever an existing semi-detached dwelling into two separate conveyable properties.

The purpose of the Application for Consent is to sever a semi-detached dwelling currently under construction so that the proposed severed lot is to be approximately 362.05 m² (3,897.1 ft²) in area and will contain a half of a semi-detached dwelling. The lot to be retained is to be approximately 381.8 m² (4,109.7 ft²) in area, and also will contain a half of a semi-detached dwelling. No new development is proposed as a result of the intended consent application.

G. Hough briefly reviewed the staff Planning Report. He pointed out that comments had previously been received from CN Rail at the time that lot was severed for the existing semi-detached dwelling in 2014. The application is consistent with the 2014 Provincial Policy Statement, complies with the Official Plan policies, and the provisions of the Town's Zoning By-law. Both the severed and retained lots meet the lot coverage requirements.

J. Webb stated that he concurs with the suggested conditions and the recommendation of the staff Planning Report.

In response to T. Rock's question to the owner wondering why he is only now seeking to separate the semi-detached dwelling as opposed to not separating the semi at the time of the original severance, J. Webb explained that waiting until the foundation is in the ground and the preparation of a draft survey prevents inaccurate lot calculations.

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

'Granted'

CONDITIONS:

1. The owners shall address the payment of cash-in-lieu of parkland dedication, provide final lot grading plans and obtain road allowance excavation permits for the driveway access to the satisfaction of the Town of Ingersoll.
2. The owners shall verify that the buildings and structures on both the severed and retained lands comply with the maximum lot coverage provisions of the Town's Zoning By-law, to the satisfaction of the Town Chief Building Official.
3. 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.
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 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 T. Rock, the Committee meeting adjourned at 10:00 a.m.

"Gordon Brumby"
CHAIRMAN