

MINUTES

OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, April 5, 2018

The Oxford County Land Division Committee met in the Council Chambers, County Administration Building, Woodstock, Ontario, on Thursday, April 5, 2018 at 9:00 a.m. with the following individuals:

	-	G. Brumby
	-	H. Elliott
	-	B. George
	-	M. Hacon
	-	R. Jull
	-	T. Rock
	-	A. Tenhove
Senior Planner	-	E. Gilbert
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: G. Brumby

"The Minutes of the Meeting of March 1, 2018, be approved as printed and circulated."

CARRIED.

BUSINESS ARISING FROM MINUTES:

None.

GENERAL BUSINESS:

L. Taschner discussed the OACA Conference to be held on June 3-6 in Niagara Falls. The following members indicated that they were interested in attending the Conference: H. Elliott, T. Rock & B. George. She indicated she would look after the registration and booking the hotel for those wishing to attend.

CORRESPONDENCE:

Correspondence dated April 2, 2018, was received from Chris Hotchkiss regarding Application B17-73-7_A17-11-7 (Taylor Hathaway & Codey Hughes).

APPLICATIONS FOR CONSENT:

B17-73-7; A17-11-7 – Taylor Hathaway & Codey Hughes (Lot 39, Plan 714, Part Lot 8, Conc. 12, Town of Tillsonburg, formerly Dereham)

Codey Hughes & Taylor Hathaway were in attendance to speak to the application. C. Hughes stated that he wishes to sever a lot for residential purposes.

The purpose of the application for consent is to create a residential building lot. The lot to be severed will cover an area of 846 sq. m (9,106.6 sq. ft.) and the lot to be retained will cover an area of 652 sq. m (7,018.3 sq. ft.). Both lots are currently vacant. Single-detached dwellings are proposed to be constructed on both the severed and retained lots.

A minor variance is requested from Section 6.2, Lot Frontage, to permit a lot frontage for the lot to be severed of 14.86 m (48.75 ft) in place of the 19 m (62.33 ft) required by the Town of Tillsonburg Zoning By-law No. 3295.

E. Gilbert briefly reviewed the staff Report and pointed out that a minor variance has been submitted with the severance application. The minor variance is requested from the lot frontage requirements to permit 14.96 m in place of the 19 m required. No concerns were received as a result of the agency circulation. A letter of concern was received from a property owner to the south of the subject property. The concerns relate to the construction impacts that will result, including noise concerns. E. Gilbert stated that these concerns can be addressed by the Town By-law Officer. He indicated that further variances will be required and those will be addressed after the severance is completed. Planning staff recommends approval of the application.

C. Hughes stated that he concurred with the finding and suggested conditions of the staff Planning Report.

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

"Granted"

CONDITIONS:

1. The owners enter into a Severance Agreement with the Town of Tillsonburg, to the satisfaction of the Town of Tillsonburg.
2. The owners shall provide a preliminary lot grading plan for the lot to be severed and the lot to be retained, to the satisfaction of the Town Engineering Department.
3. The County of Oxford Department of Public Works 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 subject property have been complied with. This condition can be cleared by payment for the required services or entering into a Severance Agreement with the area municipality. A copy of the DRAFT Severance Agreement, which addresses the above requirements, must be provided to the satisfaction of the County of Oxford Public Works department prior to clearing the condition.
4. The Clerk of the Town of Tillsonburg advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town, 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.

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

A17-11-7

REASONS:

1. The variance requested is a minor variance from the provisions of the Town of Tillsonburg Zoning By-law No. 3295.
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 Tillsonburg Zoning By-law No. 3295.

CARRIED.

B18-01-8 – Alex & Amanda Marple (Lot 2, Plan 63, City of Woodstock)

Amanda Marple was in attendance to speak to the application. She requested approval of their severance application.

The purpose of the Application for Consent is to create a new residential building lot. The lot to be severed comprises approximately 400 m² (4,305.7 ft²), and is currently vacant, while the lot to be retained comprises approximately 716.3 m² (7,710.2 ft²) and contains an existing single-detached dwelling house and shed. A single-detached dwelling house is proposed to be constructed on the lot to be severed.

E. Gilbert reviewed the staff Report. He stated that the application is consistent with the 2014 Provincial Policy Statement, complies with the Official Plan policies and conforms to the City's Zoning By-law. No concerns were received as a result of the agency circulation and public notification to the neighbours. Planning staff recommends approval of the application.

A. Marple concurred with the findings and suggested conditions. It was confirmed to A. Marple that it is the current owners' responsibility to satisfy all the conditions, prior to the creation of the lot.

Moved by: T. Rock
Seconded by: M. Hacon

"Granted"

CONDITIONS:

1. The owner shall enter into a Severance Agreement with the City of Woodstock as set forth in the City of Woodstock By-law No. 5266-76, and amendments thereto. The Agreement will be registered on title by the owner.
2. The owner shall agree, in writing, to satisfy all requirements, financial and otherwise, of the City of Woodstock and County of Oxford Public Works Department, regarding the installation of services and drainage facilities.
3. The owner shall confirm that no underground or overhead services serving the retained lot traverse the severed lot and vice versa. Where such services exist, the owner shall relocate the services or obtain private easements over the severed and/or retained lots, to the satisfaction of the City of Woodstock.

4. The owner shall provide a recent survey of the lots to be severed and retained, confirming lot sizes and building setbacks, to the satisfaction of the City of Woodstock Engineering Department.
5. If required, the owner shall alter or relocate any accessory buildings/structures to comply with the required setback provisions of the City's Zoning By-law, in relation to the proposed new interior lot line, to the satisfaction of the City of Woodstock Building Department.
6. If required, the owner shall submit a building report prepared by a building code qualified designer confirming any spatial separation provisions required by the Ontario Building Code for the east wall of the existing single detached dwelling house on the lot to be retained, to the satisfaction of the City of Woodstock Building Department.
7. 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.
8. 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.

B17-52-7; A17-07-5 – Kenneth Haworth & Marta Rozman (Part Lot 28, Conc. 2, Township of Zorra, formerly Township of West Zorra)

Kenneth Haworth, the owner, David Maddocks, the applicant and prospective purchaser, and John McKercher, were in attendance. Also in attendance was Doug Matheson, 316342 31st Line, R. R. #3, Embro ON N0J 1J0. J. McKercher presented the application and stated that he and his clients were not in agreement with the staff report recommendation. It was his opinion that the application is consistent with the 2014 Provincial Policy Statement and complies with the spirit and content of the Official Plan and will continue to meet the farming policies. Agricultural lands existing on the severed lot are to be merged with the property to the south. Approximately 8.5 acres at the rear of the retained lot is to be reforested. He noted the undersized lot is what is contentious with the application. The lot is not large enough for modern large farm equipment. The crossing at Trout Creek will be eliminated. There are existing homes on both lots and no new development is proposed. It was his opinion that the severance improves the Natural Heritage features.

D. Maddocks provided photos for the Committee's consideration and indicated that the severance is environmentally a plus if approved.

K. Haworth indicated that the UTRCA will assist with the reforestation. The severance will be more economically viable. The two houses are close to each other in proximity.

The purpose of the application for consent is for an agricultural lot addition. The owners propose to sever 18.6 ha (45.8 ac) of agricultural land and woodlot containing a single detached dwelling

and an accessory shed. The lot to be severed will be added to the adjacent agricultural lot to the immediate south, covering an area of approximately 42 ha (104.4 ac), and consisting of a barn, two sheds and an accessory single-detached dwelling. The lot to be retained will cover an area of approximately 22.7 ha (56.2 ac), contains a single detached dwelling and accessory sheds, and will continue to be used for agricultural purposes.

A variance has been requested from Section 7.2.4, Number of Accessory Dwelling and Garden Suites Per Lot, of the Township of Zorra Zoning By-law No. 35-99, to permit two dwelling units on the lot to be enlarged.

D. Matheson, Councillor of the Township of Zorra, stated that he was in favour of the severance and suggested that the proposal will enhance the property. He noted that if the severance is not approved the home may be removed.

E. Gilbert explained that the application was deferred at the March 1, 2018 meeting of the Committee at the request of the owners. He noted that there was no change in the application since that time. He stated that the Environmental Resource Policies were reviewed. Planning staff recommends denial of the application as it is not consistent with the 2014 Provincial Policy Statement and does not comply with the Official Plan policies. He explained that the Official Plan policies do not encourage the fragmentation of natural heritage features and that the policy framework does not allow trade-offs.

In response to T. Rock's question, D. Matheson stated that he was in support of the application.

G. Brumby suggested that the principal objection to the severance is the fact that only 8.7 ac of the retained parcel is considered agricultural parcel. The Zoning By-law requires 75 acres. He indicated that the zoning is implemented through the Township.

In response to R. Jull, D. Matheson stated that both homes were built many years ago by the same family. It was also pointed out the property is rented out to another farmer.

T. Rock questioned why the 8.7 ac was not part of the severed lot. In response, J. McKercher indicated that the goal was to keep the retained lot as large as possible in size to what is required by the Zoning By-law.

In response to M. Hacon, E. Gilbert stated that the lot to be retained will require a rezoning of the retained lot to a special A2 Zone to recognize that it will be an undersized lot.

G. Brumby suggested that if the 8.7 acres were to be part of the severed lot, it would create a larger rural residential lot.

A. Tenhove questioned whether a condition could be imposed requiring the owner to reforest the area covering the 8.7 acres. E. Gilbert suggested that rather including it as a condition that must be fulfilled within one year, it could be included as a clause in the Severance Agreement. D. Maddocks stated they did spend time trying to come up with different solutions.

T. Rock stated that he was empathetic with the applicants' personal issues, however, the severance should be reviewed and decided upon based on the policy documents.

J. McKercher suggested that adding the 8.7 acres to the severed lot would change the application and would make it less viable.

R. Jull suggested that the 2014 Provincial Policy Statement are guidelines only.

Moved by: G. Brumby
Seconded by: H. Elliott

'Granted'

B17-52-5

CONDITIONS:

1. The lot to be retained be appropriately zoned.
2. The owners enter into a standard Severance Agreement with the Township of Zorra. The Severance Agreement shall include a clause to ensure that the farm field to the east on the lot to be retained, covering an area of approximately 3.44 ha (8.5 ac) be reforested, to the satisfaction of the Upper Thames River Conservation Authority and the Township of Zorra.
3. The parcel intended to be severed be conveyed to the abutting landowner to the immediate south and be consolidated with said owners' existing property. Any additional transactions with regard to the severed parcel must comply with Section 50(3) & (5) of the Planning Act, R.S.O., 1990, as amended, and be reflected on the certificate.
4. 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.
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. Comments received from the public were reviewed, and where appropriate, were considered in the Land Division Committee's decision to approve the application.

A17-07-5

REASONS:

1. The variance requested is a minor variance from the provisions of the Township of Zorra Zoning By-law No. 35-99.
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 Zorra Zoning By-law No. 35-99.

CARRIED.

B18-06-8 – Jemby Properties Inc.

B18-07-8 – Jemby Properties Inc. & Justin Byers (Part Lot 10, w/s Brock Street, Plan 26; Part Lots 21-23, e/s Broadway, Part Lot 11, Block C, Plan 52; PARTS 6, 9 & 10, Plan 41R-9522, City of Woodstock)

K. Byers was in attendance to present the application to the Committee. Also in attendance were:

Peter Galloway
81 Broadway Street
Unit 333
Woodstock ON N4S 3A1

Douglas McKay
71 Broadway
Woodstock ON N4S 3A1

K. Byers explained that the application is to create reciprocal easements.

The purpose of the application B18-06-8 is to establish a reciprocal easement for stormwater management purposes. The easement will cover an area of approximately 479 sq. m (5,155.9 sq. ft.) over the east and south portions of the subject property, described as PARTS 6 & 9, Plan 41R-9522, and will be in favour of the abutting residential property to the north, described as PART 10, Plan 41R-9522.

The purpose of the application B18-07-8 is to establish a reciprocal easement for stormwater management purposes. The easement will cover an area of approximately 23 sq. m (247.6 sq. ft.) over the southwest corner of the subject property, described as PART 10, Plan 41R-9522, in favour of the abutting residential property to the south described as PARTS 6 & 9, Plan 41R-9522.

E. Gilbert briefly reviewed the staff Planning Report and noted that the application is to establish reciprocal easements for storm water management. It was determined during the site plan review stage that the easements will be required. Planning staff recommends approval of the application, as the application is consistent with the 2014 Provincial Policy Statement, the County Official Plan and the Woodstock Zoning By-law. No concerns were received during the agency circulation.

P. Ottaway was in attendance on behalf of the Condo Corporation and was questioning the amount of useable property resulting. E. Gilbert stated that the creation of the easements will have no impact on the parking on the condominium development on a separate lot. The water is to be managed on site.

D. McKay stated that he had concerns with future drainage to the north and the existing retaining wall. It was suggested that he contact the City Engineering Department for details regarding the retaining wall.

K. Byers stated that she concurred with the findings and suggested conditions of the staff Report.

It was noted that this will be the final planning application required prior to the construction of the 4-plexes.

B18-06-8

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

"Granted"

CONDITIONS:

1. A draft copy of the reference plan and Shared Easement Agreement for servicing shall be provided to the City of Woodstock and Secretary-Treasurer of the Land Division Committee, prior to the issuance of the certificate. All cost sharing requirements and maintenance responsibilities shall be clearly indicated in the Agreement, which shall be registered on title.
2. 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.

3. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year of the mailing of this Notice of Decision. If all conditions are not met within one year, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within one year, the consent herein shall lapse.

REASONS:

1. The application for consent is consistent with the 2014 Provincial Policy Statement.
2. The application for consent 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.

CARRIED.

B18-07-8

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

"Granted"

CONDITIONS:

1. A draft copy of the reference plan and Shared Easement Agreement for servicing shall be provided to the City of Woodstock and Secretary-Treasurer of the Land Division Committee, prior to the issuance of the certificate. All cost sharing requirements and maintenance responsibilities shall be clearly indicated in the Agreement, which shall be registered on title.
2. 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.
3. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year of the mailing of this Notice of Decision. If all conditions are not met within one year, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within one year, the consent herein shall lapse.

REASONS:

1. The application for consent is consistent with the 2014 Provincial Policy Statement.
2. The application for consent 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.

CARRIED.

B18-04-4 – Karicin Construction

B18-05-4 – Kinsdale Carriers Ltd. (Part Lot 12, Broken Front Concession, Township of South-West Oxford, formerly West Oxford)

Sherry Lowes, representing the owners, together with the agent, Neil Krushel, were in attendance. N. Krushel presented the application to the Committee.

The purpose of Application B18-05-4 proposes to create a vacant industrial lot covering an area of approximately 2.75 ha (6.79 ac). The lot to be retained will cover an area of approximately 36.52 ha (90.24 ac), and contains vacant agricultural lands (cash crop). The retained lot will have a resulting area of 39.4 ha (97.42 ac) after the completion of the lot addition (via B18-04-4).

The purpose of the Application B18-04-4 is for an agricultural lot addition. The lot to be severed will cover an area of approximately 2.91 ha (7.18 ac) of agricultural land and is to be added to the existing farm parcel to the immediate east consisting of agricultural lands. The lot to be retained will cover an area of approximately 2.99 ha (7.39 ac) and contains an industrial shop. The lot to be enlarged currently comprises 38.78 ha (95.82 ac) and contains no buildings or structures (cash crop). Approximately 2.75 ha (6.79 ac) of the lot to be enlarged is zoned Special General Industrial Zone.

E. Gilbert reviewed the staff Planning Report. He explained that Application B18-04-4 proposes an agricultural lot addition, while Application B18-05-4 proposes to create an industrial lot. Both severances are consistent with the 2014 Provincial Policy Statement, comply with the Official Plan policies. No concerns were raised resulting from the agency circulation or the public notice notification to the neighbouring properties. Planning staff recommends approval of the application.

E. Gilbert provided clarification of the severances, at G. Brumby's request.

B18-04-4

Moved by: A. Tenhove
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. 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 South-West Oxford.
3. The Clerk of the Township of South-West Oxford advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Township, financial and otherwise, have been complied with.
4. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year of the mailing of this Notice of Decision. If all conditions are not met within one year, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within one year, the consent herein shall lapse.

REASONS:

1. The application for consent is consistent with the 2014 Provincial Policy Statement.

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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.

B18-05-4

Moved by: H. Elliott
Seconded by: R. Jull

"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 South-West Oxford.
2. The Clerk of the Township of South-West Oxford 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 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.

B17-71-2 – Wilhelmus & Antonia Van Haeren (Part Lot 15, Conc. 11, Township of East Zorra-Tavistock, formerly Township of East Zorra)

Michael Clark and Jay McGuffin of Monteith Brown Planning Consultants the owner's agent, were in attendance. M. Clark presented the application to the Committee. Also in attendance was Marc Depatie, 525364 Oxford Centre Road, R. R. #8, Woodstock ON N4S 7W3.

The purpose of the Application for Consent is to sever a vacant lot for residential purposes within the rural cluster of Braemar Sideroad. The lands to be severed comprise approximately 0.809 ha (2.0 ac). The lot to be retained comprises approximately 14.41 ha (35.68 ac), and consists of an existing single detached dwelling, shed, pool and private services (well and septic system). A single detached dwelling is proposed to be constructed on the lot to be severed.

E. Gilbert reviewed the staff Planning Report. He pointed out that the application was originally to be considered by the Committee at the January meeting, however, comments received from the Township Public Works Manager indicated that an access permit would not be granted to the

severed lot due to sightline issues. The owner requested to be removed from the agenda in order to consider their options. An access is now being considered via an easement over the neighbour's property. The application is consistent with the 2014 Provincial Policy Statement and complies with the Official Plan policies. A re-zoning will be required for both the severed and retained lots. No comments or concerns were received as a result of the agency circulation or the public notification.

E. Gilbert confirmed that were there two separate owners, as per T. Rock's question.

It was explained to G. Brumby that the reason for the original deferral was to permit the owner to review his options for obtaining access to the lot.

In response to A. Tenhove, the existing ER Zone will be zoned to RR.

Moved by: M. Hacon
Seconded by: T. Rock

"Granted"

CONDITIONS:

1. The lots to be severed and retained be appropriately zoned.
2. The owners shall enter into a standard Severance Agreement with the Township of East Zorra-Tavistock, to the satisfaction of the Township of East Zorra-Tavistock.
3. An easement for access purposes be established over the adjacent lands (proposed by B18-11-2) in favour of the lot to be severed, and such Transfer of Easement be presented for certification at the same time as the Transfer for the severed lot under B17-71-2. The Transfer of Easement shall be registered, on title, directly after the registration of the Transfer for the severed lot. A signed Undertaking from the owners (B17-71-2) to this effect shall be submitted to the Secretary-Treasurer of the Land Division Committee. Copies of the registered Transfer and Easement shall be provided to the Secretary-Treasurer of the Land Division Committee.
4. The applicant provide confirmation that the shared driveway meets the requirements of the Ontario Building Code, to the satisfaction of the Township of East Zorra-Tavistock.
5. The owners provide Proof of Probability of Potable Water, to the satisfaction of the Oxford County Public Works Department.
6. Drainage 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 East Zorra-Tavistock.
7. The owners provide cash-in-lieu of parkland, to the satisfaction of the Township of East Zorra-Tavistock.
8. 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.
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 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.

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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.

B18-11-2 – Brenda Leslie (Part Lot 15, Conc. 11, Township of East Zorra-Tavistock, formerly Township of East Zorra)

Michael Clark and Jay McGuffin of Monteith Brown Planning Consultants, the owner's agent, were in attendance. M. Clark presented the application to the Committee. Also in attendance was Marc Depatie, 525364 Oxford Centre Road, R. R. #8, Woodstock ON N4S 7W3.

The purpose of the application is to create an easement for access purposes for the lot to be severed by B17-71-2. The area subject to the easement will measure approximately 30 m x 100.8 m (98.4 ft x 330.7 ft) with an area of approximately 0.29 ha (0.72 ac).

E. Gilbert stated that the application is to create an easement for access purposes for the lot to be severed by B17-71-2. 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. Staff recommends approval of the application.

M. Clark stated that he concurred with the findings and suggested conditions of the staff Planning Report.

It was pointed out that the access road to serve the lot to be severed by B17-71-2 is a private road which services access to other properties as well. It was explained that easements do exist between the owner and other property owners; however, not with the owner of the severed lot by B17-71-2.

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

"Granted"

CONDITIONS:

1. The owner provide confirmation that the shared driveway meets the requirements of the Ontario Building Code, to the satisfaction of the Township of East Zorra-Tavistock.
2. The Transfer of Easement document be presented for certification at the same time as the Transfer for the severed lot under Application B17-71-2. The owner shall submit a signed written Undertaking confirming that the Transfer of Easement shall be registered on title directly after the registration of the Transfer for the lot to be severed by B17-71-2, to the Secretary-Treasurer of the Land Division Committee. A copy of the registered Easement shall be provided to the Secretary-Treasurer of the Land Division Committee.
3. 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.
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.

CARRIED.

V18-01-2 – Zilke Ag Inc. (Part Lot 23, Conc. 13, Township of East Zorra-Tavistock, formerly Township of East Zorra)

John & Jane Zilke, the owners, together with their solicitor, Edward Oldfield, were in attendance. E. Oldfield briefly explained the application to the Committee, and stated that the registration of the original severance invalidated the severance. He is seeking validation of the application.

The application for Validation of Title requests a Validation Order on property identified as PIN 00249-0069. Application B10-46-2 amended the lot line of PIN 00249-0005 to include an abutting parcel of land with a dwelling unit (PIN 00249-0007) and exclude a parcel of land (Part of PIN 00249-0005 being PART 1 on Reference Plan 41R-8620) which included a dwelling unit.

The solicitor for the applicant believes that there was a breach of the Planning Act when PART 1 on Plan 41R-8620 was transferred before dealing with the consented parcel. Therefore, the transfer of PART 1 was invalid because Zilke Farms Inc. was the "beneficial owner" of the abutting lands. John, Mark and Andrew Zilke held the abutting lands in Trust for Zilke Farms Inc. (see Land Transfer Tax statement in Instrument CO74669 attached). There have now been subsequent transfers relating to PART 1 on Plan 41R-8620 (PIN 00249-0069) wherein the home was transferred from John and Jane Zilke to Zil-Kay Farms Inc., and then from Zil-Kay Farms Inc. to Zilke Ag Inc.

The applicant is requesting a validation certificate in respect of the most recent conveyance of Part 1 on Plan 41R-8620 by Instrument CO158180 (copy enclosed) to Zilke Ag Inc. to correct the Planning Act errors.

E. Gilbert reviewed the staff Report. He indicated that the application is consistent with the 2014 Provincial Policy Statement, complies with the Official Plan policies, and conforms to the Township Zoning By-law. Planning staff recommends approval of the application.

Moved by: M. Hacon
Seconded by: T. Rock

"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 (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.
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 11:30 a.m.

"Brian George"

CHAIRMAN