

MINUTES

OXFORD COUNTY LAND DIVISION COMMITTEE

HYBRID HEARING

Thursday, May 2, 2024

The Oxford County Land Division Committee met in the Council Chambers, County Administration Building, Woodstock, Ontario, and met virtually via livestream, on Thursday, May 2, 2024, at 9:30 a.m. with the following individuals:

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

The meeting was called to order at 9:34am.

DECLARATION OF CONFLICT OF INTEREST:

None.

APPROVAL OF MINUTES:

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

“The Minutes of the Meeting of April 4, 2024, be approved as amended, printed and circulated.”

CARRIED.

BUSINESS ARISING FROM THE MINUTES:

None.

GENERAL BUSINESS:

1. Request for Change of Conditions – B19-105-3; A19-20-3 (Brad & Kellie Deming)

Brad Deming, the owner, was present online to speak to the application.

H. St. Clair reviewed the staff Planning Report. The applications for consent and minor variance were submitted in 2019 and proposed the creation of an agricultural related parcel and the retention of a parcel for similar use on Airport Road in the Township of Norwich just east of Highway 59. A new shop was proposed for the existing farm excavation business on the lot to be severed and the applicants were also proposing a new dwelling on the lot to be retained to be accessory to an agricultural related business. An associated minor variance application was considered by the Committee and approved to permit a reduction to the minimum lot area requirement from 2 acres to 1.8 acres for the lot to be severed and a reduction to the minimum side yard width for the lot to be retained from 15 m to 5 m. After being initially deferred because an appropriate agricultural business was not being proposed, the applicant presented a proposed use for the retained lands of a milking and feeding robotics company which staff were agreeable to as this is considered to be an acceptable agricultural related use on the property. The application was conditionally approved by the Committee in May 2022. This approval did include a number of conditions,

including a condition that the lot to be retained be rezoned to facilitate the proposed agricultural use. The lot to be severed would continue to be used for the existing farm drainage and excavation business. The subject lands do have a site-specific zoning (AB-9) that permits the farm drainage and excavation business but does not allow for the entire list of permitted uses in the AB Zone. Planning Staff were essentially supportive of the proposal at that time based on the fact that the robotics company would be the intended use of the lot to be retained. Additional conditions were also applied for the lot to be severed to erect a new agricultural related building to house the existing farm drainage business so that the single detached dwelling on the severed lot would not become a stand-alone residential use. There was an additional condition that the construction of that new building would also be subject to the Township's Site Plan Control By-law. Additional conditions were applied to establish a new private drinking water system on the severed lands and to disconnect the current cross property shared well arrangement. The lot to the west was established by a previous Consent application in 2014. A condition to undertake a drainage assessment reapportionment to the satisfaction of the Township was also included.

The conditional approval is scheduled to lapse on May 13, 2024. On April 2, 2024 the applicant submitted a request to amend the condition for rezoning on the lot to be retained as the robotics company is no longer planned for the property. It was the intent of this condition to ensure that a legitimate agricultural-related use was going to be established on the lot to be retained and intended to satisfy staff who are of the opinion that a third lot for the purpose of farm excavation and drainage was not warranted. This was because the lot to the west had previously been severed from the property and it still contains that site specific zoning that would only allow for a farm drainage and excavation business. Consequently, the lot at that time, although it did propose an agricultural related lot it was never established, and that lot is being used as a non-farm rural residential lot in non-compliance with the Township Zoning By-law. An additional condition was included to ensure that the agricultural building be established on the property, and as of April 2024, the applicant has advised that that new use has fallen through. They have advised that they do have a new purchaser for the lot to be retained that would also be used for an agricultural related business however they have provided no details as to what that business would be.

Planning Staff are unable to properly evaluate this proposed new use to determine if it is in-line with the agricultural-related policies of the Official Plan, and therefore cannot assess whether an amendment to this condition is appropriate. As stated, there are a number of other conditions associated with this approval that would have taken some time to dedicate in order to clear those conditions. The applicant did submit a site plan application to the Township of Norwich for the severed lot however that was never completed and as of last April there was no additional movement on that site plan application. No evidence was received to demonstrate that the required drinking water system was being established, and an application for a drainage assessment reapportionment to the Township of Norwich has not been received.

Overall Planning Staff are of the opinion that insufficient information has been provided to support this requested amendment to the conditions and no evidence has been provided to indicate the nature that the proposed new agricultural-related use is appropriate for the subject lands and as such staff are unable to evaluate the proposal and are recommending denial of the request.

B. Deming went over the conditions and the steps that he has taken to complete the requirements of those conditions. He noted that the deal that was being made for the robotics milking company fell through and he has been working to try to find another suitable agricultural-related business since then. He said he has been working on the site plan particulars with the Township but has been unable to finalize them due to various communication setbacks with Township staff. He has had the lot for sale and has been trying to find another suitable agricultural-related business, but it has been difficult due to Covid 19 and high interest rates affecting potential buyers. He noted that he has two potential buyers, but they are unable to commit due to the high interest rates. His son-in-law is a local onion farmer and he and B. Deming's daughter are looking into potentially using that property for themselves and an agricultural-related business. He is not planning to do the work for the water system or build the building until he sells the lot however, he has received quotes. He noted that he has spent a lot of money getting to this point. He doesn't see what it would hurt to grant him an extra two years to complete the application.

In response to L. Martin, B. Deming stated that he wants everything to stay the same except he needs another extension for two years, rather than a change of conditions.

In response to G. Brumby, H. St. Clair noted that the Land Division Committee has no authority to extend the conditional approval however they do have the authority to amend a condition which would restart the clock. The request that came through from the applicant was to amend the condition to rezone the lot to be retained. In this instance they won't be able to fulfil that condition because this approval lapses on May 22, 2024 and they don't have the use established so the Township can't rezone the property without the use established. The request that came in was to remove the request for rezoning for a different agricultural-related use however they won't be able to fulfil the rezone requirement within the required time period.

In response to G. Brumby, H. St. Clair noted that the Land Division Committee could potentially amend any one of the conditions which would restart the clock.

In response to D. Paron, H. St. Clair noted that the Township reviewed the application when it was initially circulated and again when it was circulated for deferral. The Township did review the site plan application. There were three review periods for that application, but the Township has not had the opportunity to consider the use through their Zoning By-law yet.

In response to G. Brumby, H. St. Clair noted that the decision would need to be to either amend a condition or to deny the application and then the approval would lapse.

In response to G. Brumby, H. St. Clair stated that the amendment would be to remove that condition.

In response to H. St. Clair, B. Deming stated that he never said he wanted to amend the condition and was looking to just have it extended. He asked if they could instead amend the drinking water system condition in order to gain two more years.

In response to B. Deming, H. St. Clair commented that it is the Land Division Committee's prerogative if they choose to amend any of the conditions in order to grant the extension, however it would be the recommendation of Planning Staff to maintain the condition to establish a private drinking water system on the subject lands.

In response to A. Tenhove, B. Deming responded that yes there is natural gas on that road and an individual line that runs into the existing house and another into the existing shop. The intent would be to connect it to the new building as well.

In response to A. Tenhove, H. St. Clair noted that the applicant has indicated that the lot to be severed is already connected to natural gas.

In response to G. Brumby, H. St. Clair stated that it is up to the Land Division Committee whether they would choose to amend any of the conditions.

In response to G. Brumby, H. St. Clair stated that staff are not satisfied that an appropriate agricultural-related use is being proposed on the property and do not think the lot should be created at this time. The applicant has been given 2 years to meet those conditions. Condition 1 was left open to allow for additional agricultural business uses to perhaps be established but at this point we still don't have information to demonstrate that the lot to be created is warranted here. Planning Staff would not be in support of the amended conditions.

In response to G. Brumby, H. St. Clair noted that yes the application would lapse if denied but all the site plan work and building drawings would not preclude the applicant from constructing the proposed shop on the lot to be severed. It would just maintain those two parcels as one but they could still work to get a permit to complete the site plan and get a permit for the shop but the lands would not be severed.

In response to L. Martin, H. St. Clair stated that the nature of the condition isn't really changing and there is question whether that would satisfy the intent of the Planning Act for an amended condition if we are only changing a few words and what the legal ramifications would be in doing so.

In response to D. Paron, H.St. Clair advised that yes, if the applicant were to find a new purchaser and establish a new proposed agricultural-related use that was in compliance with the policy direction then that is something that the County could potentially support. It would require a new application if this one were to lapse.

D. Paron commented that the County has incurred expenses thus far and that there has been significant involvement of the Planning department as well as investment on both sides.

G. Brumby commented that there have been some advances and none would be lost on a new application. You reset the calendar by submitting a new application.

B. Deming commented that he understands. He noted that it is a big process and everything done up until now will need to be redone. He stated that all he needs now is a new purchaser that satisfies the Township. A new application will require everything to have to be redone and the Planning department will have to go through the process again. He notes it will be a big headache and wouldn't change anything by amending one of the conditions.

There were no further comments from the Committee.

B19-105-3

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

'Denied'

CARRIED.

CORRESPONDENCE:

1. Correspondence dated Wednesday, April 24, 2024 received from Josh & Carolyn Zehr
RE: Application B23-90-2; A23-24-2 (Roberto Esposito)
2. Correspondence dated Saturday, April 27, 2024 received from Judy Berg
RE: Application B23-90-2; A23-24-2 (Roberto Esposito)

APPLICATIONS FOR CONSENT:

B23-55-8; B23-56-8 – Grant Castle Corp. & Urban Cliff Developments Inc.

(Lts 4-7, Pt Lt 3, Plan 573, Pts 1-4, 16-24, 27, 28, 32-35, 41R9971, Pts 4-9, 41R10233, City of Woodstock)

Jeff Johnston, the agent, was present online to speak to the application.

H. St. Clair reviewed the staff Planning Report. Application B23-55-8 proposes to create an easement for access purposes over an existing lane to the benefit of 45 Beard's Lane to provide additional parking opportunities to 45 Beard's Lane from the existing lane. The proposed easement is approximately 7.5 m wide and 99 m long with an area of 741.8 m².

Application B23-56-8 proposes to create an easement for access purposes over an existing lane to the benefit of 45 Beard's Lane to provide additional parking opportunities to 45 Beard's Lane from the existing lane. The proposed easement is approximately 7.3 m wide and 22.1 m long with an area of 162.6 m².

The subject lands are located on the southeast corner of Dundas Street and Beard's Lane, and are legally described as Plan 573, Part Lots 3-7, in the City of Woodstock, known municipally as 1200 and 1222 Dundas Street.

In April a minor variance to reduce the setbacks from the parking aisles was granted by the City of Woodstock Committee of Adjustment to permit the existing and proposed parking spaces to be accessed as per this application. The lands subject to the easement contain a carwash business, while the lands benefitting from the easement contain an existing industrial building.

Planning Staff are satisfied that the proposal can be supported from a Planning perspective. The proposed easements will provide access to the existing and proposed parking lot on the adjacent benefitting lands and are not expected to have any adverse effects to the subject lands or surrounding area.

In order to separate the adjacent commercial uses and the employee parking areas staff are recommending a condition that the driveway aisle be removed east of the easement area to the satisfaction of the City of Woodstock.

No comments of concern were received from any members of the public.

Overall Planning staff are supportive of the proposal and can be granted favourable consideration subject to the noted conditions.

J. Johnston had no questions or concerns and understood and accepted all of the noted conditions.

No comments or concerns from the Committee.

B23-55-8

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

'Granted'

CONDITIONS:

1. A draft copy of the Easement Agreement between the owners of the lands on which the easements will be established and the owner of the benefitting lands be provided to the City of Woodstock and the 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 and the said Agreement shall be registered on title.
2. The Owner agrees, in writing, to satisfy all requirements, financial and otherwise, of the City, regarding the installation of services and drainage facilities.
3. The parking aisle to the east of the easement proposed by application B23-56-8 be removed to the satisfaction of the City of Woodstock Building Department.
4. 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.
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 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.

B23-56-8

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

'Granted'

CONDITIONS:

1. A draft copy of the Easement Agreement between the owners of the lands on which the easements will be established and the owner of the benefitting lands be provided to the City of Woodstock and the 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 and the said Agreement shall be registered on title.
2. The Owner agrees, in writing, to satisfy all requirements, financial and otherwise, of the City, regarding the installation of services and drainage facilities.
3. The parking aisle to the east of the easement proposed by application B23-56-8 be removed to the satisfaction of the City of Woodstock Building Department.
4. 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.
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 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.

B24-06-4 – Troy & Rebecca Moffat
(Pt Lt 7-10 & 15-22 W of Hwy, Plan 203, Pt Lt 10-11, Conc. 4 (Dereham), Pt 1, 41R6199,
Township of South-West Oxford)

Samuel Noach, Troy Moffat and Bram Van Den Heuvel, were present to speak to the application.

H. St. Clair reviewed the staff Planning Report. The purpose of the application for consent is to facilitate a lot addition to an existing industrial lot in the Village of Mount Elgin. It is proposed that an area approximately 0.5 ac (2,014 m²) in size be severed from the existing agricultural lot and be conveyed to the existing industrial lot. The proposed area of the lot to be retained is approximately 7.2 ha (18 ac), contains an existing single-detached dwelling, accessory structures and existing barns and agricultural buildings. The lands to be severed are currently vacant and are proposed to be added to the existing industrial lot at 333259 Plank Line (Pro-Rich Seeds). The lot to be enlarged contains an existing industrial building and a cell tower, and it is proposed that an addition will be constructed pending approval of the application for consent and zone change. No new development is proposed for the lot to be retained.

The associated application for zone change seeks to rezone the lands being severed from the existing 'Special Limited Agricultural Zone (A1-10)' and being conveyed to the existing 'General Industrial Zone (MG)'. The zone change will ensure consistent zoning exists for the entirety of the industrial parcel and will place the lands into a site-specific 'Special General Industrial Zone (MG-sp)' with special provisions for interior yard depth (5 m / 16.4 ft) rather than the required 10 m (32.8 ft) and rear yard depth (4 m / 13.1 ft) rather than the required 7.5 m (24.6 ft).

The subject lands are described as Part Lots 7-10, 15-22, Plan 203, (Dereham). The lands are located on the west side of Plank Line, between Mount Elgin Road and Ebenezer Road, and are municipally known as 333251 Plank Line, Mount Elgin, in the Township of South-West Oxford.

No comments of concern were received from the public.

Overall Planning Staff are supportive of the application and are recommending approval subject to the noted conditions.

B. Van Den Heuvel had no questions or concerns and understood and accepted all noted conditions.

In response to D. Matheson, B. Van Den Heuvel noted that it is a seed business.

In response to G. Brumby, B. Van Den Heuvel stated that the reason for the application is to satisfy the capability of the business and allow it to grow.

No further comments or concerns were given from the Committee members.

B24-06-4

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

'Granted'

CONDITIONS:

1. The parcel intended to be severed and conveyed to the abutting landowner to the immediate east be consolidated with the existing property. Any additional transactions with regard to the severed parcel must comply with Sections 50 (3) and (5) of the Planning Act, R.S.O., 1990, as amended, and be reflected on the certificate.
2. That the lands to be severed be appropriately zoned to the satisfaction of the Township of South West Oxford.
3. 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.

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

CARRIED.

B24-08-7; A24-05-7 – Jacob and Margaretha Driedger
(Lt 1365, Plan 500, Town of Tillsonburg)

Simona Rasanu, the agent, was present online to speak to the application.

H. St. Clair reviewed the staff Planning Report. The purpose of this application for consent is to create one (1) new residential infill lot in the Town of Tillsonburg and retain one (1) lot for continued residential purposes. It is proposed that an area of approximately 509.35 m² (5,482.6 ft²) be severed from the subject property, and an area of approximately 474.74 m² (5,110 ft²) be retained for continued residential purposes. The lot to be severed currently contains an accessory structure which will be removed, and the lot to be retained contains an existing single-detached dwelling, which will remain. Access to the lot to be severed is proposed to be via Oak Street and access to the lot to be retained is proposed to be via Earle Street.

The lot to be retained is proposed to have a lot frontage of 19.9 m (65.28 ft) an average lot depth of 23.96 m (78.6 ft), and an approximate lot area of 474.74 m² (5,110 ft²). The lot to be severed is proposed to have a lot frontage of 26.3 m (86.3 ft), an average lot depth of 19.2 m (63 ft), and an approximate lot area of 509.35 m² (5,482.6 ft²).

The associated application for minor variance seeks relief for the lot to be retained and the lot to be severed. For the lot to be retained, the applicant is requesting a minimum lot depth of 23.96 m whereas 30 m is required. For the lot to be severed, the applicant is requesting a minimum lot depth of 19.2 m whereas 30 m is required.

The property is located on the north side of Earle Street, south side of Ball Alley, and west of Oak Street, and is legally described as Lot 1365, Plan 500, Part 1 of 41R-4700, in the Town of Tillsonburg and municipally known as 56 Earle Street.

Planning Staff are generally satisfied that it is in keeping with the provincial direction and promotes an appropriate range and mix of housing options using cost effective development. The proposal provides sufficient off-street parking, driveway access and private amenity space.

Overall Planning Staff are of the opinion that the proposal is appropriate and can be supported from a Planning perspective subject to the noted conditions.

S. Rasanu understood and accepted all noted conditions.

In response to D. Paron, S. Rasanu noted that the engineering work has not been started yet but the applicant has indicated that they understand the conditions and plan to start the work as soon as possible.

In response to C. Van Haastert, H. St. Clair noted that there was an error in the staff report in regard to which street was considered the frontage which affected the lot line and minor variance slightly.

The Committee had no further comments or concerns.

B24-08-7

Moved by: L. Martin
Seconded by: C. Van Haastert

'Granted'

CONDITIONS:

1. The Owners shall agree to satisfy all requirements, financial and otherwise, of the County regarding the installation of water and sanitary sewer services, to the satisfaction of the County including payment of all outstanding fees regarding the same. To this regard, the lot to be retained and the lot to be severed must be independently serviced (water/sanitary), and any/all services crossing the proposed property line be disconnected to the satisfaction of the County of Oxford Public Works Department. There is no sanitary sewer or watermain fronting the proposed lot to be severed. The owner is responsible for all costs and construction of a sanitary mainline and watermain up Oak Street from Earle Street to the satisfaction of the County, and the Owners will be required to connect to the services for the new lot.
2. The Owners shall covenant and agree 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 done in the Town's right-of-way will require an Encroachment Permit and a representative of the developer's consultant must be on site while this work is undertaken. The Owner shall agree to 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 of Tillsonburg Development Guidelines and Design Criteria.
3. The Owners shall agree in writing to submit detailed drawings for the watermain and sanitary sewer extension and any required restoration including plan and profile drawings complete with notes and details and a cost estimate to the Town of Tillsonburg for approval and prior to any work being completed. All costs will be at the Owners' expense.
4. The Owners shall agree in writing that all restoration work related to the extension of services must be completed as per the Tillsonburg Development and Design Standards. The entire right-of-way affected by construction must be completely restored to full municipal standards to the satisfaction of the Town of Tillsonburg. All costs will be at the Owners' expense.
5. The Owners shall agree in writing to provide 100% Performance Securities based on the Total Construction Cost Estimate as approved by the Town for all work being completed in the Town's right-of-way. These Securities must be provided prior to any work being started and will be returned once the work has been inspected and approved. Any required inspections will be charged according to the Tillsonburg Fees and Charges By-law.
6. The Owner shall agree in writing to provide tree protection as per the Town of Tillsonburg

Development Guidelines and Design Criteria. Prior to the final acceptance of the work by the Town, the Owner must provide confirmation from a licensed Arborist that the trees in the Town's right-of-way have not been critically damaged by any of the works. If any tree in the Town's right-of-way is critically damaged during construction, a replacement must be provided and installed at the cost of the Owner and to the satisfaction of the Town of Tillsonburg.

7. The Owners shall submit an updated Survey and Lot Grading Plan including servicing, to the satisfaction of the Town of Tillsonburg Engineering Services Department.
8. The Owners shall provide payment for cash-in-lieu of parkland to the Town of Tillsonburg for the lot to be severed, to the satisfaction of the Town of Tillsonburg.
9. 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.
10. 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.

A24-05-7

Moved by: L. Martin
Seconded by: C. Van Haastert

'Granted'

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.

B23-90-2; A23-24-2 – Roberto Esposito

(E 1/2 Lt 5, E/S Woodstock St and N/S Hope St, Plan 307, Township of East Zorra-Tavistock)

Roberto Esposito, the owner, was present to speak to the application.

Christine Olliffe, a resident, was present online to speak to the application.

H. St. Clair reviewed the staff Planning Report. The Application for Severance is to create one (1) new building lot from an existing lot. The lot to be severed by B23-90-2 will be approximately 641 m² (6,900 ft²) in area. A semi-detached dwelling is proposed for the lot to be severed. The lot to be retained would be approximately 1,584.7 m² (17,058 ft²) in area and a single detached dwelling is proposed for these lands.

A variance is requested for the lot to be retained from Section 13.2, Table 13.2 – Zone provisions, to reduce the minimum required lot frontage from 14 m (45.9 ft) to 6.7 m (22 ft).

The subject lands are described as Part Lot 5, Plan 307 in Tavistock in the Township of East Zorra-Tavistock. The subject lands are located on the north side of Hope Street East, between John Street and Elizabeth Street and are currently municipally addressed as 85 Hope Street East.

Planning staff have reviewed the proposal and are generally satisfied that it is in keeping with the direction of the Provincial Policy Statement and Official Plan.

No concerns were received from agencies circulated. A lot grading plan would be required to the satisfaction of the Township to ensure that there are no adverse impacts to any adjacent lands. County Public Works commented that both properties must be serviced independently, and no services can cross property boundaries. They also requested a 3.8 m road widening along the frontage of both lots. The Township building department indicated that a drainage reapportionment should be included as a condition of approval. They did also request privacy fencing between the lot to be severed and the retained lands as well as the demolition of any exiting buildings and cash in lieu of parkland to be payable to the Township.

Three letters of concern were received concerning the proposal. These letters indicated concern over loss of privacy with a request that the applicant construct a privacy fence along the west side of the subject lands. Concerns with respect to the proposed frontage for the lot to be retained stating that it is too narrow to build a house on but staff noted that the intent is to build the new house in the larger building envelope area. Concerns were expressed that the proposed dwelling on the lot to be retained may be too close to existing dwellings, concerns about trees being removed on the west side of the subject lands, and concerns that too many houses are being built causing overcrowding in these neighborhoods. Planning Staff have considered these concerns and overall we do remain supportive of the proposal as it is appropriate from a Planning perspective as it will efficiently utilize the land and existing services and both lots have sufficient space to comply with all the of required setbacks of the Township zoning by-law.

Overall Planning Staff are recommending support of the application subject to the noted conditions.

R. Esposito had no comments or concerns.

C. Olliffe noted that most of her concerns have already been addressed by the noted letters that have been received. She expressed concerns about the lack of privacy and trees being removed.

In response to D. Paron, H. St. Clair noted that the Township did request a privacy fence between the severed and retained lands and that it could be done as a part of the severance agreement or the Committee could choose to apply that condition.

R. Esposito noted that he is agreeable to all the noted conditions. In regard to the privacy fencing being built, he would be willing to talk with neighbours to figure out a solution or a split as there is currently no privacy fencing in the neighbouring yards. He noted that his plan is to keep as many trees as possible on the property. His intent is to build a bungalow for his primary residence and the semi-detached is planned for his son. He noted that one block away a similar property created a semi-detached dwelling in the front and a duplex in the back however this is not his intent. He

plans to use the subject lands to also help provide housing for his son.

R. Esposito understands and accepts all noted conditions.

G. Brumby commented that backyard infill has been around for a long time and in this case it is not a company but a fellow resident. It is great to see the two parties taking the opportunity to talk with each other.

In response to C. Olliffee, G. Brumby and H. St. Clair noted that there are specific setbacks that must be maintained with regard to the lot lines according to the by-law.

The Committee had no further questions or concerns.

A condition was added that a privacy fence be established along the retained and severed lots.

B23-90-2

Moved by: C. Van Haastert
Seconded by: L. Martin

'Granted'

CONDITIONS:

1. If required, a drainage assessment reapportionment shall be undertaken, pursuant to The Drainage Act, R.S.O. 1990, to the satisfaction of the Township of East Zorra-Tavistock.
2. If required, 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. The Owner shall provide cash-in-lieu of parkland, to the satisfaction of the Township of East Zorra-Tavistock.
4. The Owner shall provide an overall detailed Lot Grading Plan and Servicing Plan, to the satisfaction of the Township of East Zorra-Tavistock.
5. Any existing buildings on the lots to be severed and retained shall be removed, subject to Building Permits for Demolition, to the satisfaction of the Township of East Zorra-Tavistock.
6. The County of Oxford Department of Public Works advise the Secretary-Treasurer of the County of Oxford Land Division Committee that all requirements, financial and otherwise, of the County of Oxford with respect to provision of water and sewer services to the subject property have been complied with.
7. A road widening of 3.8 m (12.4 ft) along the frontage of the lot to be retained and the lot to be severed shall be conveyed to the County of Oxford, free of all costs and encumbrances, to the satisfaction of the County of Public Works Department.
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 of East Zorra-Tavistock, financial, services and otherwise, have been complied with.
9. A privacy fence be established between the lot to be retained and the lot to be severed to the satisfaction of the Township of East Zorra-Tavistock.
10. 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. Comments received from the public were reviewed, and where appropriate, were considered in the Land Division Committee's decision to approve the application.

A23-24-2

Moved by: C. Van Haastert
Seconded by: L. Martin

'Granted'

REASONS:

1. The variance requested is a minor variance from the provisions of the Township of East Zorra-Tavistock Zoning By-law No. 2003-18.
2. The variance requested is desirable for the appropriate development or use of the land, building or structure.
3. The variance requested is in keeping with the general intent and purpose of the County of Oxford Official Plan.
4. The variance requested is in keeping with the general intent and purpose of the Township of East Zorra-Tavistock Zoning By-law No. 2003-18.

CARRIED.

B24-10-2 – Alver Farms Ltd.

(Pt Lt 11-13, Conc. 10 (East Zorra), Township of East Zorra-Tavistock)

Johnathan and Kevin Hook, the owners, were present to speak to the application.

H. St. Clair reviewed the staff Planning Report. The Application for Severance is to create one (1) new agricultural lot. The lot to be severed by B24-10-2 will be approximately 40 ha (98.8 ac) in area, is currently in agricultural production, and contains a single detached dwelling in addition to grain bins and a garage. The lot to be retained would be approximately 81.5 ha (201.3 ac) in area, is currently in agricultural production, and contains two (2) single detached dwellings in addition to accessory buildings.

The subject lands are described as Part Lot 11, Concession 10 (East Zorra) in the Township of East Zorra-Tavistock. The subject lands are located on the east side of the 10th Line, between Oxford Road 33 and Braemar Sideroad. The subject lands are currently municipally addressed as 495640 10th Line.

Planning Staff are of the opinion that the proposal complies with the intent of the Provincial Policy Statement and the Official Plan for lands designated as Prime Agricultural. The Township of East Zorra-Tavistock had requested a drainage assessment reapportionment. The County Public Works department did request a road widening of 5 m along the frontage of the severed lot along Oxford Rd 33 as well as a 15 m by 15 m site triangle at the intersection of Oxford Rd 33 and the 10th Line.

Overall Planning Staff are of the opinion that the proposal can be supported from a planning perspective subject to the noted conditions.

In response to J. Hook, H. St. Clair noted that the Planning Act does permit Municipalities to take road widenings through the Consent process for future expansion purposes. It is a common condition but doesn't mean that they will be necessarily doing the widening now or in the immediate future.

J. Hook noted that condition #3 would cause them to incur a significant fee to pay a land surveyor. It would also consume 0.8 acres of farmland which is a significant amount of money in the agricultural community. He feels that it is an onerous burden to put on the landowner for a simple change of the legal description to enable transfer for intergenerational change of assets.

G. Brumby commented that the road widening is probably never going to happen in our lifetime. The site triangle can still be used and planted however it would need to be kept clear for site lines.

J. Hook noted that the ownership of the land is transferred, and the survey costs involved are all at his expense. The severance is simply a change in the legal description because when the properties were purchased, they were amalgamated into one corporation to make it easier to transfer assets intergenerationally. He would like to change the legal description into two separate ones for efficient estate plan purposes. He objects to the transfer of ownership of the property to the County since it's not liable to happen and would cause him to incur more expenses. He feels that it is unnecessary and a way for the County to assume more real estate at his expense.

In response to G. Brumby, H. St. Clair noted that even though the properties merged on title, a severance is still now required if they are wanting to separate the lands again. Planning Staff did go to Public Works and asked if they would be agreeable to having condition #3 removed however they were not so Planning Staff is recommending that it remain.

In response to G. Brumby, J. Hook was agreeable to contacting Public Works to have further discussions about the condition. He noted that he does not have an issue with keeping the site triangle clear however he takes issue with the cost of having the survey done for the benefit of a change in the legal title to allow for transfer on the estate.

J. Lessif commented that if he doesn't have any luck with discussions with Public Works that he considers approaching Town Council who is responsible for changes in by-laws.

In response to J. Lessif, H. St. Clair stated that the change of wording requested wouldn't really encompass the intent of the County to obtain these lands for future widenings particularly because it is unlikely that the widenings would happen within the two-year period that the condition needs to be met in. She noted that they can continue to talk with Public Works as they are the ones who will ultimately clear the condition at their discretion.

In response to G. Brumby, J. Hook said he would still like to proceed with the severance and asked for the contact information for the people he could get in contact with from Public Works to begin discussions.

In response to J. Hook, G. Brumby noted that he is unable to say whether or not the by-law could be changed but he recommended asking.

C. Van Haastert, noted that he doesn't believe that Public Works enforces crop planting on the 5m of property and it can be seen as a way to save on property taxes if you don't officially own the lands.

G. Brumby noted that he has seen in the past that Public Works does make changes so it's worth having discussions.

D. Paron commented that she recommended approval of the application in order to prevent delays for the owners from moving forward. This is a standard condition, and it would be wise for all parties to maintain the conditions as they are. She advised that it would be wise for the owners to take the

recommendations that were made to approach Public Works and the County to see what concessions if any can be made.

J. Lessif commented that he has concerns about having a by-law in place that penalizes the transfer of lands that changes nothing on how that land is going to be used but it's for legal reasons which is the reason for the request. He thinks it's a very unfair request from Public Works to ask for that kind of a change when there is nothing in the future plans of the County to widen that road or intersection. He hopes that Council will see this comment in the minutes and take it into consideration not just for this applicant but for that particular by-law to be readdressed.

No further comments or questions were expressed by the Committee.

B24-10-2

Moved by: A. Tenhove
Seconded by: L. Martin

'Granted'

Comments on the motion:

J. Lessif commented that he raised his hand in favour in order to keeping things moving for the applicant.

L. Martin commented that the by-laws are in place and established by County Council and the staff have a prerequisite that they must enforce a by-law that is in place. If you disagree with the by-law it's up to County Council to make any changes to that by-law.

CONDITIONS:

1. If required, drainage assessment reapportionment be undertaken, pursuant to Section 65 of the Drainage Act, R.S.O. 1990, at the owner's expense, to the satisfaction of the Township of East Zorra-Tavistock.
2. If required, the Owners shall enter into a standard Severance Agreement with the Township of East Zorra-Tavistock, to the satisfaction of the Township.
3. A road widening of 5 m (16.4 ft) along the frontage of the severed lot (along Oxford Road 33) and a sight triangle measuring 15 m (49.2 ft) x 15 m at the intersection of Oxford Road 33 and 10th Line shall be conveyed to the County of Oxford, free of all costs and encumbrances, to the satisfaction of the County of Public Works Department.
4. The Clerk of the Township of East Zorra-Tavistock advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Township of East Zorra Tavistock, 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 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.

CARRIED.

B24-05-3; A24-03-3 – John and Leah Van Lagen
(Lt 418, Plan 745, Township of Norwich)

John Van Lagen & Henry Goor, the owners, were present to speak to the application.

H. St. Clair reviewed the staff Planning Report. The applications have been requested to facilitate the creation of a residential building lot in the Village of Norwich. It is proposed that the lot to be severed will be approximately 401.8 m² (4,324.9 ft²) in size and have 16.3 m (53.4 ft) of frontage along Albert Street. The lot to be severed is currently vacant and a single-detached dwelling with attached garage is proposed to be constructed.

It is proposed that the lot to be retained will be approximately 374.5 m² (4,031 ft²) in size and have 15.3 m (50.1 ft) of frontage onto Albert Street. The lot to be retained currently contains a single-detached dwelling with attached garage.

The application for minor variance proposes to vary the following sections:

- Section 11.2 – Lot Area, of the lot to be retained from the permitted 450 m² (4,844 ft²) to 373 m² (4,014.9 ft²)
- Section 11.2 – Lot Area, of the lot to be severed from the permitted 450 m² (4,844 ft²) to 400 m² (4,305.5 ft²)
- Section 11.2 – Interior Side Yard setback (narrow side), of the lot to be retained from the permitted 1.5 m (4.9 ft) to 1.2 m (3.9 ft); and
- Section 11.2 – Lot Coverage, of the lot to be retained from the permitted 30% to 38.6%; to facilitate the creation of a residential infill lot and retain a lot for a similar purpose.

The subject land is described as Lot 418, Plan 745, Township of Norwich. The subject lands are located on the west side of Albert Street lying between South Court Street East and Elgin Street East and are municipally known as 17 Albert Street, Village of Norwich.

Planning Staff are satisfied that it is consistent with the direction of the Provincial Policy Statement and will efficiently utilize existing land within the settlement area.

Planning Staff are of the opinion that the requested minor variances are appropriate as they will provide adequately sized lots that will allow for sufficient space on each lot for grading, drainage, amenity space and off-street parking.

Oxford County Public Works noted that the current water and sanitary servicing may be located on the proposed retained lot so the owner will be required to provide separate services for each of the lots without traversing any property lines. The Township building department indicated that the shed on the severed lot will be required to be removed and that the subject lands will need to demonstrate legal and adequate outlet for stormwater purposes which may require a private drain connection.

The Township of Norwich CAO did request a condition to provide site plan drawings showing site servicing and grading, a stormwater management brief, and that an entrance permit and traffic impact brief will be required.

Overall Planning staff are satisfied that the proposal is appropriate and recommend approval subject to the noted conditions.

H. Goor had no comments and understood and accepted all the noted conditions.

In response to C. Van Haastert, H. St. Clair noted that the “if required” part of condition #9 for the

severance agreement is often included as it allows the municipality to address any concerns through an agreement if certain items are not being addressed through the conditions. It allows them some flexibility to achieve the severance without having to do it all up front.

In response to D. Paron, H. St. Clair stated that the Township and the applicant have been working together to address a number of the concerns that were outlined in the CAO's letter internally. Anything that has not been addressed yet has been included in the conditions. Our Development Planner has correspondence from the Township indicating that they are satisfied with that.

H. Goor noted that he has been corresponding with the Township of Norwich. He does know that he has to go for an engineered drainage certificate. He did have to make the house a little bit smaller to address the parking situation with the Township.

A. Tenhove, commented that the Township seems to be having a lot of asks that don't really pertain to severing the lot or that could be addressed through the building permit process. This has been discussed at previous meetings.

G. Brumby noted that this is something that we can discuss as a Committee after the meeting is finished.

There were no further comments or concerns from the Committee.

B24-05-3

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

'Granted'

CONDITIONS:

1. The Owner agrees to satisfy all requirements, financial and otherwise, of the County Public Works Department, regarding the installation of water and sanitary services, to the satisfaction of the County of Oxford.
2. The Owner shall submit a recent survey to confirm lot sizes and building setbacks, and confirm compliance with the relevant provisions of the Zoning By-law for both the severed and retained lands, to the satisfaction of the Township of Norwich.
3. If required, a drainage reapportionment be undertaken, pursuant to Section 65 of the Drainage Act. R.S.O., 1990, at the owner's expense, to the satisfaction of the Township of Norwich.
4. The Owner shall prepare an overall site grading, drainage and servicing plan for both the proposed severed and retained lots, to the satisfaction of the Township of Norwich and that the construction of private drainage connections for both parcels be constructed to the satisfaction of the Township.
5. The Owner shall obtain an Entrance Permit for the severed lands and otherwise confirm the parking area on the retained lands complies with the Township Zoning By-law prior to the completion of the consent, to the satisfaction of the Township of Norwich.
6. The Owner shall prepare and submit for review a stormwater management brief, and traffic impact brief, to the satisfaction of the Township of Norwich.
7. The existing accessory building on the lot to be severed be removed, subject to Building Permits for Demolition, to the satisfaction of the Township of Norwich.
9. If required, the Owner shall enter into a Severance Agreement with the Township of Norwich, to the satisfaction of the Township of Norwich.

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10. 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.
 11. 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.

A24-03-3

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 By law No. 07 2003-Z.

CARRIED.

On the motion of D. Paron the Committee meeting adjourned at 11:45 am

"Original Signed by"

CHAIRPERSON