

MINUTES

OXFORD COUNTY LAND DIVISION COMMITTEE

HYBRID HEARING

Thursday, March 7, 2024

The Oxford County Land Division Committee met in the Council Chambers, County Administration Building, Woodstock, Ontario, and met virtually via livestream, on Thursday, March 7, 2024, at 9:30 a.m. with the following individuals:

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

The meeting was called to order at 9:31am.

DECLARATION OF CONFLICT OF INTEREST:

Doug Matheson declared conflict of interest for Application B23-76-5 (Matheson & Sample).

APPROVAL OF MINUTES:

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

"The Minutes of the Meeting of February 8, 2024, be approved as amended, printed and circulated."

CARRIED.

BUSINESS ARISING FROM THE MINUTES:

None.

CORRESPONDENCE:

1. Correspondence dated Wednesday, March 6, 2024 received from Trish Roberts
RE: Application B23-88-6; A23-22-6 (Trevor Roberts)

APPLICATIONS FOR CONSENT:

B23-76-5 – Douglas Matheson & Karen Sample
(Pt Lt 22, Conc. 2 (West Zorra), Township of Zorra)

D. Matheson left the room due to conflict of interest declaration.

Karen Sample, owner, was present to speak to the application.
John Langlois, solicitor, was present to speak to the application.

H. St. Clair reviewed the staff Planning Report. The purpose of this application is to sever an area approximately 39 ha (97 ac) in size, to be consolidated with the abutting property to the immediate

north. The lot to be enlarged is approximately 40 ha (100 ac) in size, contains an existing single-detached dwelling, two (2) dairy barns, and a number of existing accessory structures. It is proposed that an area of approximately 1.0 ha (2.48 ac) be retained as a result of the proposed farm consolidation. The lands proposed to be retained contain an existing single-detached dwelling (which also contains an existing business), a detached garage, and two (2) accessory structures.

The subject land is described as Lot 22, Conc. 2 (West Zorra), is located on the east side of 31st Line, between Road 88 and Road 92, and is municipally known as 316423 31st Line, Township of Zorra.

This application was not heard and was deferred at the Land Division Committee meeting held on February 8, 2024 after amendments were proposed to the application.

The application was amended to reduce the lot size of the retained lot. Planning staff are of the opinion that the proposed retained lot conforms to the non-farm rural residential policies of the Official Plan. The proposed lot area of 1.0 ha (2.48 ac) represents the maximum lot area permitted. It is understood that the location of the dwelling house and large septic system, which was expanded at the time of a dwelling addition intended to accommodate the previously noted communications and publishing business, is appropriately contained within the retained lot, and the requested area of 1.0 ha (2.48 ac) remains within the maximum lot provisions set out in the Official Plan. To this end, staff are generally satisfied that the requested lot area is appropriate in this specific instance.

The communications and publishing business use that exists on the proposed retained lands was permitted by Township Council via a site-specific Zoning By-law amendment in 2011 and has operated from the lands since that time. The specific zoning of the property limits the floor area of the business to 246 m² (2,650 ft²) and caps the number of employees at 12.

While the farm consolidation policies considered previously in this report generally do not support or envision the 'severance' of non-farm commercial development via these policies, Planning staff are of the opinion that the retention of the surplus dwelling, together with the permitted communications and publishing business, could be given favourable consideration in the context of recently adopted policies related to rural entrepreneurial uses (REU). While the nature of the use may not be specifically permitted in accordance with the REU policies, the business has been legally established for over a dozen years on the lands and the use, is contained entirely within the existing dwelling and is generally in-keeping with the scale for REUs as envisioned by the policies contained in the recently approved OPA 269. While this use was initially supported by Zorra Township Council as an on-farm diversified use, it is the opinion of Planning staff that the continuation of this use on a non-farm residential property will have no impact on surrounding agricultural operations.

In light of the foregoing, it is the opinion of this Office that the proposal to consolidate abutting farmlands and retain a lot for both non-farm residential and commercial purposes is consistent with the policies of the Provincial Policy Statement and does not offend the intent and purpose of the Official Plan.

The Township of Zorra Chief Building Official / Drainage Superintendent, provided comment indicating that if approved, drainage reapportionment would be required.

Staff are of the opinion that the proposal generally conforms with the relevant policies of the Official Plan as they pertain to the severance and consolidation of agricultural lands and the retention of a lot for non-farm rural residential purposes with respect to the policies noted. Planning staff are generally satisfied that the application can be favourably supported subject to the noted conditions.

J. Langlois had no comments or concerns regarding the report and accepted the conditions.

In response to C. van Haastert, J. Langlois noted that the triangle in the sketch in the north east is a part of the retained lot.

In response to L. Martin, H. St. Clair noted that it is recommended as a condition of the approval that the subject lands should be rezoned. The severed lot is recommended to be rezoned from

'A2-26' to 'A2' to coincide with the zoning of the lands to the north. The retained lands are also recommended to be rezoned to remove that on farm diversified use provision to essentially recognize the business as an REU.

In response to D. Paron, H. St. Clair noted that the Township has been circulated on the proposal, but they have not yet made comments with respect to the zone change that would be required.

B23-76-5

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

'Granted'

CONDITIONS:

1. The lots to be severed and retained be appropriately zoned.
2. If required, a 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 Zorra.
3. The parcel intended to be severed be conveyed to the abutting landowner to the immediate north 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 must be reflected on the certificate.
4. The Clerk of the Township of Zorra advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Township, financial, services and otherwise, have been complied with.
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. Comments received from the public were reviewed, and where appropriate, were considered in the Land Division Committee's decision to approve the application.

CARRIED.

B23-70-7; B23-71-7; B23-72-7; B23-73-7 – Landmark Homes Inc.
(Lts 59-62, 41M144, Town of Tillsonburg)

Stephen Cornwell, agent, was present to speak to the application.

Arnold Ypma, representative from the Church, was present to speak to the application.

H. St. Clair reviewed the staff Planning Report. The purpose of the applications for consent is to create a new walkway block between the properties currently located at 7 & 9 Hemlock Drive to the place of worship to the south located at 150 Concession Street West. The creation of the walkway will require adjusting the lot lines of lots located at 3, 5, 7 & 9 Hemlock Drive.

The walkway proposed to be created through consent application B23-70-7 would have a frontage of 6 m (19.7 ft), approximate depth of 37.5 m (123 ft), and an approximate area of 224.8 m² (2,420 ft²) and will be added to the adjacent place of worship to south, to create a final lot area of 1.47 ha (3.6 ac).

Consent application B23-71-7 proposes to sever a parcel with a frontage of 5.6 m (18.4 ft), depth of 37.4 m, (122.7 ft), area of 210 m² (2260 ft²) and add it to the lands located at 3 Hemlock Drive.

Consent application B23-72-7 proposes to sever a parcel with a frontage of 2.87 m (9.4 ft), depth of 39.37 m, (129 ft), area of 110 m² (1186 ft²) and add it to the lands located at 5 Hemlock Drive.

Consent application B23-73-7 proposes to sever a parcel with a frontage of 1.3 m (4.3 ft), depth of 43 m, (141 ft), area of 52.6 m² (566 ft²) and add it to the lands located at 7 Hemlock Drive.

No new lots are being created through the above noted applications.

The subject lands are described as Lots 59, 60, 61 and 62, Plan 41M-14, in the Town of Tillsonburg. The lands are located on the south side of Hemlock Drive between Walnut Drive and William Street, and are municipally known as 3, 5, 7, and 9 Hemlock Drive.

Planning staff have reviewed the proposal and feel that it will continue to allow for residential development and will facilitate the new walkway connection which will foster active transportation within the Town. It will provide for efficient pedestrian access to the church.

As part of the agency circulation the Town of Tillsonburg Engineering Department did request a revised master lot grading and drainage plan and confirmation that all previously installed storm, sanitary and water services will still align with the residential lot fabric and not be located on a neighbouring property or within the proposed walkway.

Tillsonburg hydro also commented that the electrical service stub to lot 59 may need to be spliced and relocated and that the communication ducts and cables may need to be included in this relocation work.

No concerns were received from any of the public agencies or neighbouring property owners circulated and overall Planning Staff are satisfied that the application is acceptable from a Planning perspective subject to the list of recommended conditions.

S. Cornwell had no questions or concerns with the report or conditions.

In response to D. Paron, S. Cornwell noted that the church would be required to undertake the maintenance responsibilities for the new proposed pathway. There may not be a formal undertaking between the municipality and the church for maintenance however the church will have its own obligations and will comply with the maintenance responsibilities.

A. Ypma, spoke on behalf of the church and noted that they do intend to maintain the walkway.

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

B23-70-7

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

'Granted'

CONDITIONS:

1. The Owner shall provide confirmation of any existing overhead and/or underground services installed to the retained and enlarged lots. Services cannot traverse the adjoining lots and/or parcels and any conflicts must be redirected at the expense of the Owner and to the satisfaction of the Town of Tillsonburg, or an easement must be created. Any proposed easements shall be reviewed by the Town of Tillsonburg.
2. The parcel intended to be severed be conveyed to the abutting landowner to the immediate south 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.
3. A Cancellation Certificate, pre-approved by the Land Registry Office, be registered on the lands to be enlarged and a copy of the document be presented to the Secretary-Treasurer of the Land Division Committee prior to the issuance of the certificate for Application B23-70-7.
4. The Owner shall submit a revised Master Lot Grading Plan for the 2022 Phase of the Oak Park Subdivision to the Town of Tillsonburg Engineering Department for approval.
5. The Owner shall submit an updated survey to confirm lot sizes and building setbacks, to the satisfaction of the Town of Tillsonburg.
6. 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.
7. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within two years of the mailing of this Notice of Decision. If all conditions are not met within two years, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within two years, the consent herein shall lapse.

REASONS:

1. The application for consent is consistent with the 2020 Provincial Policy Statement.
2. The application for consent complies with the policies of the County of Oxford Official Plan.
3. The subject property is appropriately zoned.
4. Comments received from the public were reviewed, and where appropriate, were considered in the Land Division Committee's decision to approve the application.

B23-71-7

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

'Granted'

CONDITIONS:

1. The Owner shall provide confirmation of any existing overhead and/or underground services installed to the retained and enlarged lots. Services cannot traverse the adjoining lots and/or parcels and any conflicts must be redirected at the expense of the Owner and to the satisfaction of the Town of Tillsonburg, or an easement must be created. Any

proposed easements shall be reviewed by the Town of Tillsonburg.

2. The parcel intended to be severed be conveyed to the abutting landowner to the immediate south 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.
3. The Owner shall submit a revised Master Lot Grading Plan for the 2022 Phase of the Oak Park Subdivision to the Town of Tillsonburg Engineering Department for approval.
4. The Owner shall submit an updated survey to confirm lot sizes and building setbacks, to the satisfaction of the Town of Tillsonburg.
5. The certificate for Application B23-70-7 be issued, the Transfer registered, and a copy of the registered Transfer be provided to the Secretary-Treasurer of the Land Division Committee, prior to the issuance of the certificate for Application B23-71-7.
6. 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.
7. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within two years of the mailing of this Notice of Decision. If all conditions are not met within two years, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within two years, the consent herein shall lapse.

REASONS:

1. The application for consent is consistent with the 2020 Provincial Policy Statement.
2. The application for consent complies with the policies of the County of Oxford Official Plan.
3. The subject property is appropriately zoned.
4. Comments received from the public were reviewed, and where appropriate, were considered in the Land Division Committee's decision to approve the application.

B23-72-7

Moved by: A. Tenhove

Seconded by: D. Paron

'Granted'

CONDITIONS:

1. The Owner shall provide confirmation of any existing overhead and/or underground services installed on the retained and enlarged lots. Services cannot traverse the adjoining lots and/or parcels and any conflicts must be redirected at the expense of the Owner and to the satisfaction of the Town of Tillsonburg, or an easement must be created. Any proposed easements shall be reviewed by the Town of Tillsonburg.
2. 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.
3. The Owner shall submit a revised Master Lot Grading Plan for the 2022 Phase of the Oak

Park Subdivision to the Town of Tillsonburg Engineering Department for approval.

4. The Owner shall submit an updated survey to confirm lot sizes and building setbacks, to the satisfaction of the Town of Tillsonburg.
5. The certificate for Application B23-71-7 be issued, the Transfer registered, and a copy of the registered Transfer be provided to the Secretary-Treasurer of the Land Division Committee, prior to the issuance of the certificate for Application B23-72-7.
6. 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.
7. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within two years of the mailing of this Notice of Decision. If all conditions are not met within two years, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within two years, the consent herein shall lapse.

REASONS:

1. The application for consent is consistent with the 2020 Provincial Policy Statement.
2. The application for consent complies with the policies of the County of Oxford Official Plan.
3. The subject property is appropriately zoned.
4. Comments received from the public were reviewed, and where appropriate, were considered in the Land Division Committee's decision to approve the application.

B23-73-7

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

'Granted'

CONDITIONS:

1. The Owner shall provide confirmation of any existing overhead and/or underground services installed to the retained and enlarged lots. Services cannot traverse the adjoining lots and/or parcels and any conflicts must be redirected at the expense of the Owner and to the satisfaction of the Town of Tillsonburg, or an easement must be created. Any proposed easements shall be reviewed by the Town of Tillsonburg.
2. 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.
3. The Owner shall submit a revised Master Lot Grading Plan for the 2022 Phase of the Oak Park Subdivision to the Town of Tillsonburg Engineering Department for approval.
4. The Owner shall submit an updated survey to confirm lot sizes and building setbacks, to the satisfaction of the Town of Tillsonburg.
5. The certificate for Application B23-72-7 be issued, the Transfer registered, and a copy of the registered Transfer be provided to the Secretary-Treasurer of the Land Division Committee, prior to the issuance of the certificate for Application B23-73-7.

6. 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.
7. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within two years of the mailing of this Notice of Decision. If all conditions are not met within two years, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within two years, the consent herein shall lapse.

REASONS:

1. The application for consent is consistent with the 2020 Provincial Policy Statement.
2. The application for consent complies with the policies of the County of Oxford Official Plan.
3. The subject property is appropriately zoned.
4. Comments received from the public were reviewed, and where appropriate, were considered in the Land Division Committee's decision to approve the application.

CARRIED.

B23-83-2 – Village Manor Tavistock Inc.

(Pt Lt 126, Plan 307 & Pt Lt 126, Plan 307, Pt 1 & 2, 41R3558, Township of East Zorra-Tavistock)

David Jutzi, was present online to speak to the application.

H. St. Clair reviewed the staff Planning Report. The Severance Application has been requested to facilitate the creation of a new residential lot. The lot to be severed comprises approximately 1,045.5 m² (11,254 ft²) and currently contains a single detached dwelling. No new development is proposed for this lot. The lot to be retained comprises approximately 0.7 ha (1.9 ac) and contains a residential apartment building and associated green space. No new development is proposed for this lot.

In addition to Severance Application B23-83-2, a Zone Change Application (ZN2-23-07) has also been received by Oxford County and the Township of East Zorra-Tavistock. The Zone Change Application proposes to rezone a portion of the lot to be retained from 'Residential Type 1 Zone (R1)' to 'Residential Type 3 Zone (R3)' in order to ensure one consistent zoning over the lot to be retained.

The subject lands are described as Part Lot 126, Plan 307. The lands are located on the west side of Woodstock Street South, lying between William Street South and Oxford Road 34. The subject lands are currently municipally addressed as 174 & 198 Woodstock Street South.

Planning Staff have reviewed the proposal and are of the opinion that it is generally consistent with the direction of the Provincial Policy Statement and it maintains the intent of the Official Plan.

The property is currently zoned as 'Residential Type 3' zone and 'Residential Type 1' zone in the Township of East Zorra-Tavistock Zoning By-Law. The lot to be severed is zoned as 'R1' and it is noted that once severed it would comply with all the 'R1' zoning provisions. The lot to be severed will have sufficient space in accordance with the zoning provisions.

The Oxford County Public Works Department has requested a 5 m road widening along the frontage of the lot to be severed.

The lot to be retained will continue to be used as an apartment building and will exceed the minimum required amenity space for 'R3' zoning. It is noted that a portion of the retained lands are currently zoned as 'R1' so should the consent be approved, Planning Staff recommend that as a condition of approval that that portion be rezoned to 'R3' to coincide with the remainder of the retained lands.

No comments of concern were received from any of the public agencies or neighbouring property owners circulated.

Planning Staff are supportive of the application subject to the noted conditions.

D. Jutzi accepted all conditions. He asked the Committee to consider amending condition 4 which requires an as built survey. He inquired as to whether it is necessary for the lot to be retained because there will be no variation in the setbacks.

In response to D. Jutzi, H. St. Clair noted that the Township has requested this condition to apply to both the retained and the severed lot as it will provide the municipality the opportunity to confirm that all setbacks do conform with the zoning provisions. Planning Staff recommend that it remain.

The Committee had no comments or concerns.

B23-83-2

Moved by: A. Tenhove
Seconded by: C. van Haastert

'Granted'

CONDITIONS:

1. The lot to be retained be appropriately zoned.
2. 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.
3. If required, the Owners shall enter into a standard Severance Agreement with the Township of East Zorra-Tavistock, to the satisfaction of the Township.
4. The Owners shall provide an As-Built Survey for both the lot to be severed and the lot to be retained, to the satisfaction of the Township of East Zorra-Tavistock.
5. A 5 m (16.4 ft) road widening along the frontage of the lot to be severed be conveyed to the County of Oxford, free of all costs and encumbrances, to the satisfaction of the County Public Works Department.
6. 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.
7. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within two years of the mailing of this Notice of Decision. If all conditions are not met within two years, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within two years, the consent herein shall lapse.

REASONS:

1. The application for consent is consistent with the 2020 Provincial Policy Statement.
2. The application for consent complies with the policies of the County of Oxford Official Plan.
3. The Land Division Committee did not receive any comments from the public respecting this application.

CARRIED.

B23-88-6; A23-22-6 – Trevor Roberts
(Lt 2E & 3E, Blk 43, Plan 279, Pt Lt 4E, 413163, Town of Ingersoll)

Trevor Roberts, owner, was present to speak to the application.
Trish Roberts and Sabrina Guilbault were present to speak to the application.

H. St. Clair reviewed the staff Planning Report. The County of Oxford Land Division Committee has received an application for consent and minor variance to create one new residential parcel containing an existing semi-detached dwelling unit in the Town of Ingersoll, and retain a lot for the same purpose. One semi-detached dwelling on each lot would be separately transferrable. The associated minor variance has been requested to permit a reduction to the minimum required lot area and depth for both the lot to be severed and retained.

It is proposed that the lot to be severed will be 216.3 m² (2,329 ft²) in size, with 11.6 m (38.2 ft) of frontage on King Street East and a depth of 18.5 m (60.9 ft), while the lot to be retained is proposed to be 237.1 m² (2,552.2 ft²) in size, with approximately 12.6 m (41.5 ft) of frontage on King Street East and an approximate depth of 18.6 m (61.3 ft). The lots to be severed and retained each contain an existing semi-detached dwelling unit (built in approximately 1986) and a small detached garden shed.

Minor variances from the provisions of Section 7.2 – Residential Type 2 Zone Provisions, of the Town of Ingersoll Zoning By-law have been requested as follows;

- to reduce the minimum required lot area for the lot to be severed from 270 m² (2,906.3 ft²) to 216.3 m² (2,329.4 ft²);
- to reduce the minimum required lot depth for the lot to be severed from 30 m (98.4 ft) to 18.5 m (60.9 ft);
- to reduce the minimum required lot area for the lot to be retained from 270 m² (2,906.3 ft²) to 237 m² (2,552.2 ft²), and;
- to reduce the minimum required lot depth for the lot to be retained from 30 m (98.4 ft) to 18.6 m (61.3 ft).

The subject lands are located on the north side of King Street East, lying between Mill Street and Carroll Street and are municipally known as 93 & 95 King Street East in the Town of Ingersoll.

Planning Staff have reviewed the proposal and are generally satisfied that the subject lands will continue to be used for low density residential purposes and that overall the proposal is consistent with the Provincial Policy Statement and the low density residential policies of the County's Official Plan. Staff are of the opinion that the proposal will not alter the existing structures on the subject lands and that the proposed severance will continue to maintain the existing character of the neighbourhood. The subject property is zoned as 'R2' zone in the Town of Ingersoll Zoning By-Law and so to facilitate the proposal minor variances will be required to the lot area and depth provisions. The subject lands do contain an existing structure and each unit does have a separately dedicated parking area and separately dedicated private amenity spaces and the lot depth of the subject lands is existing. Approval of the requested severance will not impact the existing front or rear yard amenity space or the existing private parking area. Planning Staff are satisfied that the approval of the requested minor variances can be considered minor and maintaining the intent of the Zoning By-Law and the Official Plan.

The application was circulated to those public agencies considered to have an interest in the proposal. The Town Building Department has requested an up-to-date survey and confirmation of separate site services for both the lot to be severed and the lot to be retained. They have also stated that a detailed drawing of the exact location and construction details of the party wall between the two dwelling units is required to demonstrate that the construction meets the Ontario Building Code requirements for a party wall separating a semi-detached dwelling. They have also requested a report and drawing showing the current or proposed HVAC system, plumbing and electrical for both sides of the semi-detached dwelling with each side requiring separate services independent from one another. If approved, a condition of approval would be that the applicant apply to the Town building department and obtain a permit for each of the proposed lots to the satisfaction of the Town.

Otherwise commenting agencies had no concerns with the proposal subject to the conditions that are detailed in the Staff Report.

One piece of late correspondence was received requesting that the Committee be made aware that there is currently a motion in the courts right now with respect to the subject lands to register a certificate of pending litigation. No further comments were received from any of the neighbouring property owners and Planning Staff are satisfied that the application can be supported from a Planning perspective subject to the conditions recommended in the Staff Report.

Trevor Roberts, noted that he received a letter from a lawyer stating that he had to disclose that there is a certificate of pending litigation and he provided the corresponding letter. He advised that he understood and accepted all of the conditions outlined in the Staff report.

Trish Roberts requested that the Committee consider deferring the application until after the court date of May 31, 2024.

In response to Trish Roberts, H. St. Clair stated that she no comments from Planning on the request and that that would be at the discretion of the Committee.

L. Martin made a comment that perhaps it should be deferred since there is a motion before the courts.

D. Paron commented that it appears to be a potential conveyancing issue that if and when the conditions for a severance are granted that lawyers would deal with that. It would be beyond the Committee's jurisdiction.

A. Tenhove commented that he agrees with D. Paron, it's not the Committee's business to get involved in any legal disputes. If the conditions of the Planning Act and the Provincial Policy Statement are met we should proceed and at a certain point the lawyers will get involved if the severed lots are not able to be conveyed to someone else.

In response to G. Brumby, H. St. Clair noted that she agrees with the comments by D. Paron and A. Tenhove that it is outside the scope of the Committee and that if there are issues lawyers would be able to deal with those going forward. She noted that she did speak with Trish Roberts prior to the meeting and clarified that the approval today would be conditional of these items being addressed which would provide for some additional time to consult with the lawyer about how the pending litigation would be affected by the future transfer of those lands.

G. Brumby advised Trish Roberts that the legal issue that she is addressing is beyond the scope of the Land Division Committee but it will not impact her actions or legal implications in the courts. He also advised that everything from this meeting goes into the public record as well and that if she or her lawyer have further questions they can always reach out in the future. There are also conditions attached to the application and they have two years to fulfill them. Trish Roberts accepted his response.

A. Tenhove made a suggestion to ask Trevor Roberts if he was interested in deferring the application.

G. Brumby asked Trevor Roberts if he would be amenable to a deferral.

Trevor Roberts declined.

The Committee had no further questions or concerns.

B23-88-6

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

'Granted'

CONDITIONS:

1. If required, the owner agrees to satisfy all requirements, financial and otherwise, of the County of Oxford, regarding the installation of water and sanitary sewer services, to the satisfaction of the County of Oxford Public Works Department. The owner will be required to connect to the services following Oxford County design guidelines which will be inspected by Oxford County and clearance of this condition shall also include the payment of any outstanding fees. Both properties are required to serviced independently.
2. The Owner provides confirmation of the location of any existing overhead or underground services installed to the retained and severed lots. Services cannot traverse the adjoining lots and any conflicts must be re-directed or an easement created. Any proposed easements shall be reviewed by the Town of Ingersoll.
3. The Owner shall submit a recent survey to confirm lot sizes and building setbacks to the satisfaction of the Town of Ingersoll.
4. The Owner shall submit a detailed grading and drainage plan, to the satisfaction of the Town of Ingersoll.
5. The Owner shall submit a detailed floor plan for the existing structure, prepared by a qualified professional, showing the location and construction details of the party wall between the proposed properties. The drawing must include a top of roof to underside of footings cross section detail of the party wall and must meet all current Ontario Building Code requirements.
6. The Owner shall submit a report and drawings of the heating, ventilation, air conditioning, plumbing and electrical for each of the semi-detached dwelling units, as prepared by a qualified professional, to the satisfaction of the Town of Ingersoll. The said drawings must show that these services are separate and independent for each dwelling unit.
7. The Owner shall obtain separate Building Permits for each of the semi-detached dwelling units, to the satisfaction of the Town of Ingersoll.
8. The Clerk of the Town of Ingersoll advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town, financial, services and otherwise, have been complied with.
9. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within two years of the mailing of this Notice of Decision. If all conditions are not met within two years, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within 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.
3. Comments received from the public were reviewed, and where appropriate, were considered in the Land Division Committee's decision to approve the application.

A23-22-6

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

'Granted'

REASONS:

1. The variance requested is a minor variance from the provisions of the Town of Ingersoll Zoning By-law No. 04 4160.
2. The variance requested is desirable for the appropriate development or use of the land, building or structure.
3. The variance requested is in keeping with the general intent and purpose of the County of Oxford Official Plan.
4. The variance requested is in keeping with the general intent and purpose of the Town of Ingersoll Zoning By-law No. 04 4160.

CARRIED.

B23-74-4 – Estate of Donald Sykes
(Pt Lt 21, Conc. 11 (Dereham), Township of South-West Oxford)

Randy & Debra Sykes, were present to speak to the application.

H. St. Clair reviewed the staff Planning Report. The purpose of this application is to create one (1) new residential lot in Village of Brownsville. The applicant is proposing to sever an area of approximately 2,800 m² (30,139 ft²), and to retain an area of approximately 4,400 m² (47,362 ft²) and containing a single-detached dwelling and accessory structure. The lot to be severed is currently vacant and has approximately 35 m (114.8 ft) of direct frontage of Culloden Line.

The subject lands are described as Part Lot 21, Conc. 11 (Dereham), are located on the east side of Culloden Line, in the Village of Brownsville and are municipally known as 292218 Culloden Line, Township of South-West Oxford.

Planning staff have reviewed the proposal and are satisfied that it is in keeping with the direction of the Provincial Policy Statement and Official Plan. The subject lands are designated as 'Village' in the Official Plan and meets the infill criteria. It is not anticipated that they will negatively impact any of the adjacent land uses.

No comments of concern were received from any of the neighbouring land owners. The Township of South-West Oxford has requested a cash in lieu of parkland be included as a condition of consent. The County Public Works Department did indicate that the severed lot will be required to connect to municipal water services.

Overall Planning Staff are supportive of the application subject to the recommended conditions.

In response to D. Sykes, H. St. Clair advised that the Planning Act allows municipalities to apply a parkland dedication for the creation of new lots through Consent or Subdivision. Municipalities can apply a fee in lieu of the parkland dedication based on the assessed value of the land. The applicants would be required to pay that fee to the Township for them to clear that condition.

D. Sykes accepted and understood all the conditions.

In response to D. Paron, H. St. Clair stated that the Township of South-West Oxford Zoning By-Law does have a similar provision for non-compliance due to public acquisition so if the non-compliance is a result of public acquisition such as a road widening, then nothing in the by-law would prohibit the development of the lot.

In response to D. Paron, H. St. Clair advised that if it's a result of the public acquisition then they are still able to obtain a building permit for that.

G. Brumby added that the public acquisition hasn't taken place yet. If does happen, it becomes legally non-conforming in essence.

No further comments or questions were expressed by the Committee.

B23-74-4

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

'Granted'

CONDITIONS:

1. That the applicant provide cash in lieu of parkland, to the satisfaction of the Township of South-West Oxford.
2. 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 services to the lot to be severed and have been complied with.
3. A road widening of 3 m (9.8 ft.) from OR/10 / Culloden Line across both the severed and retained parcels be dedicated 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 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.
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.

B23-84-1 – Paul & Guytrie Hillenaar

(Pt Lt 1, W of Mechanic St, S of Buffalo & Lake Huron Railway, Pt Lt 2, E of Wilmot St, Plan 199, Pt 1, 4R6548 & Pt Lt 12, Conc. 7 (Blenheim) Pt 1, 4R10420, Township of Blandford-Blenheim)

Chase Hillenaar, was present to speak to the application.

Ken Small, Drumbo resident, was present to speak to the application.

H. St. Clair reviewed the staff Planning Report. The Severance Application has been requested to facilitate the creation of a new residential lot to facilitate a multi-unit dwelling consisting of 10 stacked townhome units. The lot to be severed comprises approximately 2,102.2 m² (22,627.8 ft²) and is currently vacant of any buildings or structures. The lot to be retained comprises approximately 645.9 m² (6,952.4 ft²) and contains a triplex.

The subject lands are described as Part Lots 1 & 2, Plan 199. The lands are located on the west side of Mechanic Street, lying between Jarvis Street and Oxford Street East. The subject lands are currently municipally addressed as 17 Wilmot Street North.

The Township of Blandford-Blenheim has recently adopted a Secondary Plan which establishes policies to assist in guiding principles within the Village core. These policies include limiting building height to a maximum of four storeys and prohibiting ground floor residential units within the Village core on lands that front either on Wilmot Street or Oxford Street. The applicant has not specifically identified the type or the extent of development on the lot to be severed at this time however any development that does occur on these lands would need to be considered by Township Council in accordance with the relevant policies of the Zoning By-law including density and building height.

The lot to be retained will continue to be used as a triplex. No changes are proposed at this time. Planning Staff have reviewed the proposal and it would appear that the proposal for the lot to be retained would be compliant with the 'R3-2' Zone. The lot to be severed would remain zoned as 'R3-2' and would be compliant with the provisions of the by-law.

No comments of concern were received in advance of the meeting.

The Township Public Works Department did note that new entrance permits would be required for any developments on Mechanic Street. Enbridge Gas did comment that any relocation of services that would be necessary as a result of the severance would be at the applicant's expense.

Overall Planning Staff are satisfied that the application is acceptable from a Planning perspective and can be given favourable consideration subject to the conditions outlined in the report.

C. Hillenaar had no comments and understood and accepted the noted conditions.

K. Small expressed concern with the idea of stacked townhomes being a possibility for the lands. He noted that he didn't think they would appeal to the neighbourhood and would be too tall and don't fit into the area.

In response to G. Brumby, C. Hillenaar stated that a typically a stacked townhouse would be one unit on top of another. He noted that they haven't decided yet what exactly they want to build on the subject lands. They are hoping to have whatever they build oriented to the empty municipal lot beside it so they are not backing on to anyone, and are trying to keep whatever they build current with the surrounding homes. He also noted that the lot was a disaster before they owned it and they cleaned it up and plan to take care of it.

In response to G. Brumby, H. St. Clair stated that yes there is a height limit within the Village which is a maximum of 4 storeys.

K. Small reiterated that the proposed stacked townhouses would potentially face his property and that his concern is the stacking and fit within the neighbourhood. He noted that C. Hillenaar has cleaned up the property a lot and that he hopes that fences will be a part of the plan for the new development.

G. Brumby noted that the Committee does appreciate it when the owners and developers talk to the neighbours to address any concerns.

In response to G. Brumby, C. Hillenaar stated that he is happy to have a conversation with the neighbours and noted that his plan has never been to build a four story building as he doesn't think it is suited either. He plans to continue the positive relationship with the community.

A. Tenhove noted that communication between the owners and neighbours like this is great to see.

There were no further comments or concerns from the Committee.

B23-84-1

Moved by: C. van Haastert
Seconded by: A. Tenhove

'Granted'

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 Blandford-Blenheim.
2. If required, the Owners shall enter into a standard Severance Agreement with the Township of Blandford-Blenheim, to the satisfaction of the Township.
3. The Clerk of the Township of Blandford-Blenheim advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Township of Blandford-Blenheim, 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 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.

CARRIED.

B23-86-2; B23-87-2 – Bruce Yausie & Kimberly Dorken

(Pt Lt 26, Conc. 12 (East Zorra) & Pt Lt 26-27, Conc. 12 (East Zorra), Township of East Zorra-Tavistock)

Bruce Yausie, owner, was present to speak to the application.

H. St. Clair reviewed the staff Planning Report. Two severance applications have been submitted in order to facilitate two boundary adjustments to alter the shape of two existing agricultural parcels. Severance B23-86-2 proposes to sever and convey approximately 4.6 acres from PIN: 002450033 to 596658 Highway 59. Severance B23-87-2 proposes to sever and convey approximately 2.4 acres from 596658 Highway 59 to PIN: 002450033. Both reconfigured parcels will continue to be used for agricultural purposes.

The subject lands are described as Part Lots 26 & 27, Concession 12 (East Zorra). The lands are located on the east side of Highway 59, lying between Cassel Sideroad and Maplewood Sideroad. One lot is municipally known as 596658 Highway 59 while the other is unaddressed and has the PIN #: 002450033.

Planning staff have reviewed the proposal and are satisfied that the applications do represent a minor boundary adjustment for both lots and neither application will result in the creation of a new parcel so therefore the proposals can be considered appropriate in this instance. The applicant has indicated that the proposed lot reconfiguration will provide for direct access to sections of land that are separated by the existing watercourse that traverses the properties. Once consolidated the newly configured lots will result in a lot size of 52 ha which is consistent with the 'A2' zone. With respect to the lot on the south side, once consolidated it will be approximately 9.2 ha. Staff note that this lot is already currently deficient with respect to lot area. Approval of the requested land swap will not change the nature of this parcel from its current undersized status.

No comments of concern were received from any of the neighbouring property owners.

The Township of East Zorra-Tavistock did request a drainage reapportionment to be included as a condition of the approval. The County Public Works Department requested a 3 m road widening along the frontage of Hwy 59.

Overall Planning Staff are satisfied that the application is acceptable from a Planning perspective and can be given favourable consideration from the Committee.

In response to B. Yausie, H. St. Clair advised that the surveyor will draw the new lines based on your direction. It is recommend that they do that in consultation with us to confirm it aligns with what was granted. The surveyor would send Planning a draft copy to ensure compliance.

G. Brumby noted that he thinks that typically the surveyor would go down the centre of the creek.

In response to B. Yausie, H. St. Clair advised that he is free to contact the surveyor whenever he likes.

B. Yausie understood and accepted all the conditions.

In response to C. van Haastert, H. St. Clair noted that it appears that the County has only requested the road widening for application B23-87-2 which could be because they have already taken the road widening previously but she isn't certain of the reason.

In response to G. Brumby, B. Yausie stated that the smaller lot is farmed on its own.

There were no further comments or concerns from the Committee.

B23-86-2

Moved by: D. Matheson
Seconded by: D. Paron

'Granted'

CONDITIONS:

1. The parcel intended to be severed be conveyed to the abutting landowner to the immediate north 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 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.
3. If required, the Owners shall enter into a standard Severance Agreement with the Township of East Zorra-Tavistock, to the satisfaction of the Township.
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 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.

B23-87-2

Moved by: D. Matheson
Seconded by: D. Paron

'Granted'

CONDITIONS:

1. The certificate for B23-86-2 be issued, the transfer registered, and a copy of the receipted Transfer be provided to the Secretary-Treasurer of the Land Division Committee prior to the issuance of the certificate for B23-87-2.
2. The parcel intended to be severed be conveyed to the abutting landowner to the immediate south 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.

3. 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.
4. If required, the Owners shall enter into a standard Severance Agreement with the Township of East Zorra-Tavistock, to the satisfaction of the Township.
5. A road widening 3.05 m (10 ft) along the frontage of the lot to be retained be conveyed to the County of Oxford, free of all costs and encumbrances, to the satisfaction of the County of Public Works Department.
6. 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.
7. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within two years of the mailing of this Notice of Decision. If all conditions are not met within two years, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within two years, the consent herein shall lapse.

REASONS:

1. The application for consent is consistent with the 2020 Provincial Policy Statement.
2. The application for consent complies with the policies of the County of Oxford Official Plan.
3. The subject property is appropriately zoned.
4. The Land Division Committee did not receive any comments from the public respecting this application.

CARRIED.

On the motion of D. Matheson the Committee meeting adjourned at 11:02 am

"Original Signed by"

CHAIRPERSON