

MINUTES

OXFORD COUNTY LAND DIVISION COMMITTEE

VIRTUAL HEARING

Thursday, December 3, 2020

The Oxford County Land Division Committee met virtually via livestream on Thursday, December 3, 2020 at 9:30 a.m. with the following individuals:

Chair	-	G. Brumby
	-	R. Jull
	-	J. Lessif
	-	D. Paron
	-	P. Rigby
	-	A. Tenhove
	-	C. van Haastert
Senior Planner	-	R. Versteegen
Secretary-Treasurer	-	L. Taschner

The meeting was called to order at 9:30 a.m.

DECLARATIONS OF CONFLICT OF INTEREST:

None.

APPROVAL OF MINUTES:

Moved by: J. Lessif
Seconded by: R. Jull

“The Minutes of the Meeting of November 5, 2020, be approved as printed and circulated.”

CARRIED.

BUSINESS ARISING FROM MINUTES:

None.

GENERAL BUSINESS:

None.

CORRESPONDENCE:

Correspondence dated November 27, 2020 received from David Roe regarding Application B20-41-3; A20-08-3 (Wesley Simpson).

Correspondence dated December 2, 2020 received from the Oxford County Public Works Department regarding Application B20-40-3; A20-07-3 (Trustees of Curries United Church).

Correspondence dated December 2, 2020 received from the Township of Zorra regarding Application B20-56-5 (David Clendinning & Christian Specht).

Correspondence dated December 2, 2020 received from the Township of East Zorra-Tavistock regarding Application B20-50-2 (David & Patricia McIntyre).

Correspondence dated December 2, 2020 received from the Upper Thames River Conservation Authority regarding Application B20-40-3; A20-07-3 (Trustees of Curries United Church).

APPLICATIONS FOR CONSENT:

B20-43-8 – JJZ Developments Inc. (Part Lot 15, Conc. 2, City of Woodstock)

No one was in attendance to speak to the application.

The purpose of the Application for Consent is to create a vacant industrial lot. The lot to be severed is approximately 1.5 ha (3.7 ac) and is currently vacant. An industrial building is proposed to be constructed on the lot to be severed. The lot to be retained is approximately 3.7 ha (9.2 ac) and contains two existing industrial buildings. The owner has also applied for Partial Discharge of Mortgage.

R. Versteegen reviewed the staff Planning Report. He indicated the application proposes to create a vacant industrial lot. The severed lot is currently zoned M2 and M3, while the retained lot is zoned M3. An industrial building is situate on the lot to be retained. The application in Planning staff's opinion is consistent with the 2020 Provincial Policy Statement and complies with the County of Oxford Official Plan. A zone change will be required to re-zone the severed lot. No concerns were received during the agency circulation. No comments were received as a result of the public notification to the neighbours. Planning staff is in support of the application. Woodstock Council advised that they were in support of the severance application.

In response to A. Tenhove, R. Versteegen stated that the truck access would be via Commerce Way only.

G. Brumby questioned the type of trucking. In response, R. Versteegen stated that he was not sure and that there were no restrictions and no limit on the type of trucking.

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

'Granted'

CONDITIONS:

1. The owner shall enter into a Severance Agreement with the City of Woodstock as set forth in the City of Woodstock By-law No. 5266-76, and amendments thereto. The Agreement will be registered on title by the owner.
2. The whole of the lot to be severed be appropriately zoned to M3.
3. The owner provides confirmation of the location of any existing overhead or underground services installed to the retained and severed lots. Services cannot traverse the adjoining lots and any conflicts must be re-directed or an easement created. Any proposed easements shall be reviewed by the City of Woodstock.
4. The owner shall satisfy all requirements, financial and otherwise, of the City of Woodstock, regarding the installation of services and drainage facilities.
5. The owner shall provide a building report prepared by an architect or professional engineer outlining the requirements from the Ontario Building Code for spatial separation and exposure protection. The report will indicate the limiting distance, area of unprotected opening and required construction of exposing building faces of the existing buildings located on the retained lot adjacent to the new interior property lines to the satisfaction of the City of Woodstock Building Department.
6. If required, the owner shall submit a recent survey to confirm lot sizes, building, parking area and open storage setbacks to the satisfaction of the City of Woodstock.
7. If required, a road widening to 13 m (42.6 ft) from the centre line of Parkinson Road, along the frontage of the lot to be severed and the lot to be retained be dedicated to the County of Oxford, free of all costs and encumbrances, to the satisfaction of the County of Oxford Public Works Department.

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8. 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.
 9. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year of the mailing of this Notice of Decision. If all conditions are not met within one year, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within one year, the consent herein shall lapse.

REASONS:

1. The application for consent is consistent with the 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.

B20-48-6 – Brian Conn & Pamela Loucks-Conn (Part Lot 12, Block 63, Plan 279, Town of Ingersoll)

Brian Conn was in attendance to speak to the application.

The purpose of the application for consent is for a residential lot addition to recognize the historical encroachment of a driveway used by the lot to be enlarged that traverses the subject lands. No new development is proposed as a result of the proposed lot addition. The lot to be severed will cover an area of approximately 81.2 m² (874 ft²) and contains a portion of a driveway. The lot to be enlarged is currently 2,736.6 m² (29,456.5 ft²) in area and contains a single detached dwelling, attached garage, outdoor pool and accessory building. The lot to be retained will cover an area of approximately 518 m² (5,575.8 ft²) and contains a single detached dwelling and attached garage.

R. Versteegen reviewed the staff Planning Report. He indicated the application proposes a residential lot addition. The surrounding land use is residential. The severance is to recognize an historic encroachment of driveway use by the owner of the enlarged lot. The application in Planning staff's opinion is consistent with the 2020 Provincial Policy Statement, complies with the County of Oxford Official Plan, and conforms to the Town's Zoning By-law. No concerns were received during the agency circulation. No comments were received as a result of the public notification to the neighbours. Planning staff is in support of the application.

B. Conn stated that he concurs with the findings and suggested conditions of the staff Planning Report.

In response to G. Brumby, B. Conn stated that he owns the lot to be severed.

Moved by: P. Rigby
Seconded by: J. Lessif

'Granted'

CONDITIONS:

1. The parcel intended to be severed be conveyed to the abutting landowner to the immediate northeast 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.

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2. The owners shall agree, in writing, to satisfy all requirements, financial and otherwise, of the Town of Ingersoll, regarding the installation of services and drainage facilities. This shall include that the applicant obtains a building permit from the Town of Ingersoll for the rear yard deck on the lot to be retained.
 3. The Clerk of the Town of Ingersoll advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Ingersoll have been complied with.
 4. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year of the mailing of this Notice of Decision. If all conditions are not met within one year, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within one year, the consent herein shall lapse.

REASONS:

1. The application for consent is consistent with the 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,

B20-50-2 – David & Patricia McIntyre (Part Lot 12, Conc. 14, Township of East Zorra-Tavistock, formerly Township of East Zorra)

David & Patricia McIntyre were in attendance to speak to the application. Also in attendance was Jeff Jansen, the prospective purchaser of the severed lot.

The purpose of the Application for Consent is for a residential lot addition. It is proposed that approximately 76.2 m² (820.3 ft²) of vacant land will be severed from the subject lands and added to the vacant parcel to the immediate north, being 98 King Street. The lot to be enlarged is current vacant and is approximately 6,322.34 m² (1.56 ac) in size. The lot to be retained is approximately 4,288.67 m² (1.04 ac) in size and is also vacant. The lots to be enlarged and retained are proposed to be developed for multi-residential apartment buildings.

R. Versteegen reviewed the staff Planning Report. He indicated the application proposes an agricultural lot addition, resulting in a rural residential lot. The subject property are located within the Agricultural Reserve Area on the Land Use Plan in the County Official Plan, and is zoned General Agricultural (A2) in the Township's Zoning By-law. The enlarged lot is also zoned A2 and consists of two accessory single detached dwellings and farm buildings. The existing buildings on the severed lot will need to be removed. The retained lot will consist of the accessory dwelling. The application in Planning staff's opinion is consistent with the 2020 Provincial Policy Statement and complies with the County of Oxford Official Plan. A zone change will be required to recognize the rural residential use proposed for the retained lot. No concerns were received during the agency circulation. No comments were received as a result of the public notification to the neighbours. Planning staff is in support of the application. Late correspondence received from Township Council was received stating they are in support of the severance application.

David & Patricia McIntyre stated they concur with the findings and suggested conditions of the staff Report. D. McIntyre confirmed that the lot area of the severed lot is 47.9 ha and not 46.6 ha as noted in the Report. In response, R. Versteegen stated that the intent of the application is being maintained.

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

'Granted'

CONDITIONS:

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

REASONS:

1. The application for consent is consistent with the 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.

B20-51-7 – 1822094 Ontario Inc. (Part of Second Street, Plan 214, Lots 427 & 428, Part Lots 423-426 & 429, Plan 500, Town of Tillsonburg)

B20-52-7 – Escalade Property Corp. (Lots 423, 424 & 425, Part Lots 420, 421 & 422, Plan 500, Town of Tillsonburg)

Barbara Rosser was in attendance to speak to the applications.

The purpose of Application B20-51-7 is for a residential lot addition. It is proposed that approximately 1,073.61 m² (0.26 ac) of vacant land will be severed from the subject lands and added to the vacant parcel to the immediate south, 143 Tillson Avenue covering an area of approximately 4,264.87 m² (1.03 ac) in size. The lot to be retained is approximately 5,248.7 m² (1.3 ac) in size and is also vacant. It is proposed that the lands to be enlarged and lot to be retained will be developed for multi-residential apartment buildings.

The purpose of Application B20-52-7 is for a residential lot addition. It is proposed that approximately 76.2 m² (820.3 ft²) of vacant land will be severed from the subject lands and added to the vacant parcel to the immediate north, being 98 King Street. The lot to be enlarged is current vacant and is approximately 6,322.34 m² (1.56 ac) in size. The lot to be retained is approximately 4,288.67 m² (1.04 ac) in size and is also vacant. The lots to be enlarged and retained are proposed to be developed for multi-residential apartment buildings.

R. Versteegen reviewed the staff Planning Report. He indicated that both applications propose residential lot additions to straighten lot lines for future development of the enlarged lots. All parcels of land are currently vacant. The properties are designated Service Commercial in the County Official Plan and zoned Service Commercial (SC) in the Town's Zoning By-law. Official Plan amendment and Zone Change applications have been submitted to re-designate the lands for high density residential uses to recognize the proposed use on the subject lands. There is a mix of service commercial uses in the area with a daycare to the north, and the CP rail line to the east. The

application in Planning staff's opinion is consistent with the 2020 Provincial Policy Statement and conforms to the Zoning By-law. No concerns were received during the agency circulation. No comments were received as a result of the public notification to the neighbours. Planning staff is in support of the application.

B. Rosser stated that she concurs with the findings and suggested conditions of the staff Planning Report.

B20-51-7

Moved by: C. van Haastert
Seconded by: J. Lessif

'Granted'

CONDITIONS:

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

REASONS:

1. The application for consent is consistent with the 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.

B20-52-7

Moved by: C. van Haastert
Seconded by: J. Lessif

'Granted'

CONDITIONS:

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

REASONS:

1. The application for consent is consistent with the 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.

B20-54-7; A20-09-7 – George & Clara Ambrus (Part Lot 1478, Plan 500, Town of Tillsonburg)

James Morgan, the owners' solicitor, was present to speak to the application.

The purpose of the Application for Consent is to create a new commercial lot in the Central Area of the Town. The lot to be severed will have a frontage of 7.42 m (24.3 ft), depth of 26.4 m (86.6 ft), an area of 195.5 m² (2104.3 ft²). The lot to be retained is proposed to have a lot frontage of 24.7 m (81 ft), lot depth of 20.4 m (67 ft), and an area of 504.2 m² (5427.3 ft²). The lot to be severed and retained contain existing commercial buildings. An identical application was approved by the Land Division Committee in 2015; however, the application lapsed and the owners have now re-applied.

The minor variance seeks relief from Section 13.2, Rear Yard, to reduce the minimum required rear yard depth for the lots to be severed and retained to 0 m in place of the 6.0 m (19.7 ft) required by the Town of Tillsonburg Zoning By-law No. 3295.

R. Versteegen reviewed the staff Planning Report. He indicated the application proposes to create a commercial lot. A minor variance has also been requested to recognize the rear yard of both the severed and retained lots. Two-storey commercial buildings, with apartments in the upper floor, are situated on each of the severed and retained lots. The surrounding land use is predominantly commercial, with residential uses to the west. An identical application was approved by the Committee in 2018. The certificate was issued within the one-year period, however, was not registered in the Land Registry Office within the 2-year period. The application in Planning staff's opinion is consistent with the 2020 Provincial Policy Statement, complies with the County of Oxford Official Plan, and conforms to the Town's Zoning By-law, with the exception of the request for the minor variance. No concerns were received during the agency circulation. No comments were received as a result of the public notification to the neighbours. Planning staff is in support of the application.

J. Morgan stated that he concurs with the findings and suggested conditions of the staff Planning Report.

B20-54-7

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

'Granted'

CONDITION:

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

REASONS:

1. The application for consent is consistent with the 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.

A20-09-7

Moved by: R. Jull
Seconded by: C. van Haastert

'Granted'

REASONS:

1. The variances 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.

B20-55-3 – Stefan & Malgorzata Gwerder (Part Lot 19 & 20, Conc. 12, Township of Norwich, formerly Township of South Norwich)

No one was present to speak to the application.

The purpose of the Application for Consent is for a rural residential lot addition. The lot to be severed is currently vacant and will cover an area of approximately 2,650.8 m² (0.65 ac) of land and will be added to the lot to the immediate east, covering an area of approximately 0.41 ha (1.02 ac), consisting of an existing single detached dwelling built in 1957, as well as a private well and septic system. Once enlarged, the non-farm rural residential lot will be approximately 0.67 ha (1.67 ac) in size. The lot to be retained will be approximately 25.2 ha (62.2 ac) in size and contains a barn, a greenhouse, a garden shed, an accessory single detached dwelling, and a private well and septic system.

R. Versteegen reviewed the staff Planning Report. He indicated the application proposes a rural residential lot addition and retaining a farm property. The enlarged lot was created through a consent and, therefore, a 1 ft by 1 ft square parcel will need to be deed to the Township, thereby 'undoing' the previous consent. This requirement is reflected as Condition No. 3 in the recommendation of the staff Planning Report. The application in Planning staff's opinion is consistent with the 2020 Provincial Policy Statement and complies with the County of Oxford Official Plan. A zone change will be required to recognize the rural residential use proposed for the severed lot. No concerns were received during the agency circulation. No comments were received as a result of the public notification to the neighbours. Planning staff is in support of the application.

Moved by: J. Lessif
Seconded by: R. Jull

'Granted'

CONDITIONS:

1. The lot to be severed be appropriately zoned.
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. A 0.3 m (1 ft.) x 0.3 m (1 ft.) parcel of land from the lot to be enlarged (PIN # 00047-0108) be deeded to the Township of Norwich, free of any encumbrances and costs, and a copy of the registered deed be presented to the Secretary-Treasurer of the Land Division Committee prior to the issuance of the certificate for Application B20-55-3.
4. 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 Norwich.
5. The Clerk of the Township of Norwich advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Township, financial and otherwise, have been complied with.
6. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year of the mailing of this Notice of Decision. If all conditions are not met within one year, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within one year, the consent herein shall lapse.

REASONS:

1. The application for consent is consistent with the 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.

B20-56-5 – David Clendinning & Christian Specht (Part Lot 21, Conc. 5, Township of Zorra, formerly Township of North Dorchester)

Michael Clark, Planner, was in attendance to speak to the Committee.

The purpose of the Application for Consent is for an agricultural lot addition. The lot to be severed will cover an area of approximately 19.54 ha (48.3 ac), contains no buildings or structures, and is in agricultural production (cash crop). It is proposed that the lot to be severed will be added to the agricultural property to the immediate west consisting of a dairy operation and an accessory single-detached dwelling, and covering an area of approximately 73.5 ha (181.6 ac). The lot to be retained comprises approximately 0.46 ha (1.14 ac), contains an existing single detached dwelling and accessory structure, with frontage along Road 60 and will be used for non-farm rural residential purposes.

R. Versteegen reviewed the staff Planning Report. He indicated the application proposes an agricultural lot addition, resulting in a rural residential lot. The subject property is located within the Agricultural Reserve Area on the Land Use Plan in the County Official Plan, and is zoned General Agricultural (A2) in the Township's Zoning By-law. The enlarged lot, located to the west, is also zoned A2 and consists of a dairy operation. In Planning staff's opinion the application is consistent with the 2020 Provincial Policy Statement. A zone change will be required to recognize the rural residential use proposed for the retained lot. A total of +13 points were assigned to the application, whereas those applications resulting in +12 points or greater typically result in a negative recommendation. Plus 5 points were allotted as the subject property is surrounded by an aggregate area. Official Plan Amendment 247 was approved by Oxford County Council that facilitates the proposed farm consolidation. No concerns were received during the agency circulation. No comments were received as a result of the public notification to the neighbours. Planning staff is in support of the application. Late correspondence received from the Council of the Township of Zorra was received stating that Council is in support of the severance.

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

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

'Granted'

CONDITIONS:

1. The lot to be retained be appropriately zoned.
2. The parcel intended to be severed be conveyed to the abutting landowner to the immediate west 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 re-apportionment be undertaken, pursuant to Section 65 of The Drainage Act, R.S.O., 1990, at the owner's expense, to the satisfaction of the Township of Zorra.
4. The Clerk of the Township of Zorra advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Township, financial and otherwise, have been complied with.
5. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year of the mailing of this Notice of Decision. If all conditions are not met within one year, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within one year, the consent herein shall lapse.

REASONS:

1. The application for consent is consistent with the 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.

B20-41-3; A20-08-3 – Wesley R. G. Simpson (Lot 324, Plan 745, Township of Norwich, formerly Village of Norwich)

No one was present to present the application. A letter was received from David Roe, on behalf of Wesley Simpson, requesting a deferral of the application.

The purpose of the application for consent is to create one new vacant residential lot in the Village of Norwich. It is proposed that the lot to be severed will be approximately 448.6 m² (4,828.6 ft²) in size, with a frontage of 22.79 m (74.7 ft) along North Street, West and a depth of 20.72 m (67.9 ft). A single detached dwelling is proposed to be constructed on the lot to be severed in the future. The lot to be retained will be approximately 677 m² (7,287.2 ft²) in size, with a frontage of 20.67 m (67.8 ft) along Stover Street North and an average depth of approximately 32.99 m (108.2 ft). The lot to be retained contains an existing single detached dwelling and a detached garage. No new development is proposed for the lot to be retained.

Minor variances from the provisions of the Township of Norwich Zoning By-law No. 07-2003-Z have been requested as follows:

- Relief from Table 11.2 – ‘R1’ Zone Provisions, to reduce the minimum lot area from 450 m² (4,843.7 ft²) to 448.6 m² (4,828.7 ft²) for the lot to be severed;
- Relief from Table 11.2 – ‘R1’ Zone Provisions, to reduce the minimum lot depth from 30 m (98.4 ft) to 20.7 m (67.9 ft) for the lot to be severed.

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

‘Deferred’

B20-41-3; A20-08-3

REASON:

1. The application for consent be deferred, at the request of the owner’s agent, to permit the agent to further review the staff report and recommendation with the owner.

CARRIED.

B20-40-3; A20-07-3 – Trustees of Curries United Church (Part Lot 18, Conc. 5, Township of Norwich, formerly Township of East Oxford)

Gordon Klein, the owner’s solicitor, was in attendance to present the application.

The purpose of the application for consent is to create one new lot in the Rural Cluster of Curries. It is proposed that the lot to be severed will be approximately 1,130 m² (12,163.2 ft²) in size, with approximately 25.1 m (82.3 ft) of frontage on the north side of Curries Road and a depth of 42 m (137.8 ft). The lot to be severed contains an existing church, as well as an accessory building, a private septic system and a parking area. It is proposed that the existing church will be converted to a single detached dwelling by way of a future zone change application. The lot to be retained will be approximately 2,721 m² (29,288.6 ft²) in size, with approximately 67 m (219.8 ft) of frontage along Curries Road and an approximate depth of 40 m (131.2 ft). The lot to be retained contains an existing cemetery. No change is proposed for the retained lot.

Minor variances from the provisions of the Township of Norwich Zoning By-law have also been requested as follows:

- Relief from Table 21.2 – ‘I’ Zone Provisions, to reduce the minimum lot area from 3,700 m² (39,826.4 ft²) to 1,130 m² (12,163 ft²) for the lot to be severed;
- Relief from Table 21.2 – ‘I’ Zone Provisions, to reduce the minimum lot frontage from 40 m (131.2 ft) to 25 m (82 ft) for the lot to be severed;

- Relief from Table 21.2 – 'I' Zone Provisions, to reduce the minimum lot area from 3,700 m² (39,826.4 ft²) to 2,721 m² (29,288 ft²) for the lot to be retained, and;
- Relief from Table 21.2 – 'I' Zone Provisions, to reduce the minimum lot depth from 50 m (164 ft) to 40 m (131 ft).

R. Versteegen reviewed the staff Planning Report. The application proposes to create a lot for residential uses. The severed lot consists of an existing church, while the lot to be retained contains a cemetery. It is proposed that the church will be converted for residential purposes. The subject property is designated 'Rural Cluster' in the Official Plan policies, and zoned 'Institutional (I) in the Township's Zoning By-law. The severed lot will cover an area of approximately 12,163 sq. ft. and the retained lot will cover an area of 39,288 sq. ft. A number of minor variances have been requested with the severance from the lot area, lot frontage and lot depth provisions of the Institutional Zone. The owners have approached the Township of Norwich to purchase approximately 280 sq. m of land located to the north of the severed lot and add it to the severed lot. An archaeological assessment undertaken by the owners to ensure all burial plots are contained on the retained lot has been completed and confirmed.

R. Versteegen indicated that in Planning staff's opinion the application is not consistent with the 2020 Provincial Policy Statement as the lands are not suitably sized for sewer/water services. He indicated that the Rural Cluster Policy Area is intended for limited amounts of growth, on suitably sized lots. The existing church has architectural and historical significance as passed by Township By-law No. 14-84.

R. Versteegen indicated that the Chief Building Official requires confirmation of the well and septic locations. He indicated that late correspondence was received from the County Public Works Department requests a site triangle, a road widening along the frontage of the severed lot, and the UTRCA indicated they had no objection to the application. No comments were received resulting from the public notification to the neighbours. In summary, R. Versteegen stated that Planning staff is concerned with the lot size and the number of minor variances requested, and are recommending the application be denied.

G. Klein indicated that the church is empty and ceased operation. He explained that the well is not on the subject property, and is located north of the severed lot within the 280 sq. m parcel the owner wishes to purchase from the Township. The owner is waiting for the deposited survey plan to determine the actual lot that is to be purchased. He indicated that he disagrees with the Planning Department's recommendation, and noted that he is aware of an existing lot measuring 6,400 sq. ft. by the County in Norwich. The proposed purchaser intends to convert the church into a dwelling. Two septic companies have given information to the Township indicating that a septic system could be accommodated on the subject lands. He further stated that 24 of 35 lots within the Rural Cluster designation do not satisfy the 30,000 sq. ft. lot area requirement, and that 5 of those lots are 15,000 sq. ft. in area. He argued that by denying the application, it will sterilize the church building and it will become derelict. Approving the severance will ensure it retains its historical and archeological designation. He addressed the Public Works comments and indicated that a road widening would remove lands needed and the requested site triangle would run into the church building itself.

In response, R. Versteegen indicated that the smaller lot sizes represented the planning standards of the day and that many of the lots in question are historical in nature. Planning forward ensure lots are a size that meet today's standards and that it is poor planning to create undersized lots on private services. It was noted that the Public Works Department reduced the areas for both the site triangle and the road widening based on the conditions on both the severed and retained lands.

G. Klein confirmed that there was only one building on the severed lot. In response to C. van Haastert, he indicated that it is very unlikely that the owner could acquire additional lands from the Township as those lands are part of a park and are intended for open space purposes.

A. Tenhove asked whether the additional lands were taken into account when determining the lot area of the severed lot. In response, R. Versteegen indicated the total may be 15,000 sq. ft., however, still deficient by 15,000 sq. ft. for a septic system. R. Versteegen indicated that without the deposited survey, the final lot area cannot be 100% confirmed.

G. Klein re-iterated that smaller lots have been created than what is being proposed.

D. Paron questioned whether there would be any tax implications? R. Versteegen stated in the affirmative. The cemetery will be owned by the Trustees.

In response to a question raised about more burials in the cemetery, G. Klein indicated that the cemetery is full and that the Cemetery Board will continue to maintain the cemetery.

In response to C. van Haastert, R. Versteegen pointed out that the site triangle requested is similar to the one taken across the road to the west of the property, on Curries Road and Highway 59.

In response, G. Klein indicated that a 5 m x 5 m site triangle will cross over the brick building.

In response to R. Jull, G. Klein indicated that the owner asked for adequate land including the well and that it would not be practical to take community land.

D. Paron concurred that the building is beautiful and wondered if there were any other potential congregations. In response, G. Klein explained that it would be difficult leasing a church to another congregation that are not associated with the neighbouring cemetery.

G. Klein pointed out that a small septic system could be installed. He pointed out that an eco-flow system was installed on a property in Otterville. There are additional costs and more work, however, this system would work. Deferring the application will not bring any new issues to the forefront.

The Committee discussed the merits of the application and suggested that other options could be brought forward to the Township Chief Building Official, and that perhaps it should be up to the Chief Building Official to determine the requirements for a well and septic system. In response, R. Versteegen indicated that the Building Code requires that the well and septic system be a certain distance from each other and at this point in time, that separation distance is unknown.

A. Tenhove suggested that if there is no severance, nothing changes and the church would continue to be used as a church.

In response to the minor variance requested, R. Versteegen indicated that the variances requested are from the institutional use not the proposed residential use. The variances need to be considered with the severance and currently the lot is zoned for institutional purposes.

C. van Haastert indicated that he is fearing that a precedent will be set, however, there are arguments on both sides of the proposal.

G. Brumby suggested that the owner will need to meet the conditions before completion of the severance.

R. Versteegen reiterated that the proposed use in the application currently is for institutional purposes and that any other proposed use will require a zone change and will be subject to a further review by Township and Planning staff and consideration by Township Council.

The Committee requested that the suggested conditions be read aloud. The Secretary-Treasurer read them aloud.

A20-07-3

Moved by: D. Paron
Seconded by: P. Rigby

'Granted'

CONDITIONS:

1. If required, a road widening of 5.0 m (16.4 ft) from the centreline of Curries Road (Oxford Road 40), along the frontage of the lot to be severed, be dedicated to the County of Oxford, free of all costs and encumbrances, to the satisfaction of the County of Oxford Public Works Department.

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2. If required a site triangle of 5.0 m x 5.0 m (16.4 ft x 16.4 ft) at the corner of Curries Road (Oxford Road 40) and Highway 59 (Oxford Road 59) be dedicated to the County of Oxford, free of all costs and encumbrances, to the satisfaction of the County of Oxford Public Works Department.
 3. The portion of land containing the existing well, serving the church on the lot to be severed be conveyed and consolidated with the lot to be severed.
 4. The owner provide confirmation of the location of the existing septic system for the lot to be severed, with a view to ensuring the entire extent of the existing septic system serving the lot to be severed is located wholly within the confines of the proposed lot to be severed, to the satisfaction of the Township of Norwich Building Department.
 5. If required, drainage reapportionment be undertaken, pursuant to Section 65 of the Drainage Act, R.S.O. 1990, at the owners' expense, to the satisfaction of the Township of Norwich.
 6. If required, the owner enter into a Severance Agreement with the Township of Norwich, to the satisfaction of the Township Chief Administrative Officer.
 7. 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.

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.

A20-40-3

Moved by: R. Jull
Seconded by: P. Rigby

'Granted'

REASONS:

1. The variances requested are minor variances from the provisions of the Township of Norwich Zoning By-law No. 07-2003-Z.
2. The variances requested are desirable for the appropriate development or use of the land, building or structure.
3. The variances requested are in keeping with the general intent and purpose of the County of Oxford Official Plan.
4. The variances requested are in keeping with the general intent and purpose of the Township of Norwich Zoning By-law No. 07-2003-Z.

CARRIED.

On the motion of A. Tenhove, the Committee meeting adjourned at 11:45 a.m.

"Original Signed By"

CHAIRMAN