

MINUTES

OXFORD COUNTY LAND DIVISION COMMITTEE

VIRTUAL HEARING

Thursday, April 1, 2021

The Oxford County Land Division Committee met virtually via livestream on Thursday, April 1, 2021 at 9:30 a.m. with the following individuals:

Chair	-	G. Brumby – absent
	-	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.

APPROVAL OF MINUTES:

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

“The Minutes of the Meeting of March 4, 2021, be approved as printed and circulated.”

CARRIED.

BUSINESS ARISING FROM MINUTES:

None.

GENERAL BUSINESS:

None.

CORRESPONDENCE:

Correspondence dated March 25, 2021 was received from Michelle Cassell regarding Application B20-79-1 (James B. Fitzpatrick).

Correspondence dated March 29, 2021 was received from Rob & Becky Wigand regarding Application B20-79-1 (James B. Fitzpatrick).

Correspondence dated March 29, 2021 was received from Dean Jancsar regarding Application B20-79-1 (James B. Fitzpatrick).

APPLICATIONS FOR CONSENT:

B20-88-7 – 2563557 Ontario Inc. (Blocks 21 to 24, Plan 41M-155, Town of Tillsonburg)

No one was present to speak to the application.

The purpose of the Application for Consent is to create a vacant residential lot for a proposed single detached dwelling. The proposed lot to be severed will have a frontage of 14.24 m (46.72 ft), depth of 34.33 m (112.63 ft), and an approximate area of 510 m² (0.13 ac) and will front on Southridge Road. The lot to be retained will have an area of 2.31 ha (5.26 ac), with frontage on Trillium Drive, Quarter Town Line, and Southridge Road, and is proposed to be developed for a condominium, consisting of a 2 storey commercial buildings and 103 townhouse dwellings.

R. Versteegen reviewed the staff Report and indicated that the application proposes to create a vacant residential infill lot. The lands to be retained will be used for future multi-residential uses. He noted that the severed lot was a previous road allowance owner by the Town of Tillsonburg and was sold to the current owner. The subject property is designated Low Density Residential on the Land Use Plan in the County of Oxford and is zoned Medium Density Residential in the Town of Tillsonburg Zoning By-law. The application in Planning staff's opinion is consistent with the 2020 Provincial Policy Statement, complies with the Official Plan policies and concurs with the Town of Tillsonburg Zoning By-law provisions. No concerns were raised during the agency circulation and no comments were received during the public notification to the neighbours. Council of the Town of Tillsonburg considered the application and is in support of the proposal. Planning staff recommends approval, subject to a number of conditions.

In response to R. Jull, R. Versteegen explained that his understanding is that the access fronting on Southridge Road would be used for municipal services and an emergency access to the property.

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

'Granted'

CONDITIONS:

1. The owner shall provide water, sanitary and storm sewer services to the lot to be severed, to the satisfaction of the Town Engineering Department.
2. The owner shall provide verification that the existing storm sewer will not be in conflict with the underside of proposed house footing elevation, to the satisfaction of the Town Building Department.
3. The owner shall make payment for cash-in-lieu of parkland, to the satisfaction of the Town of Tillsonburg.
4. The owner shall install and re-align existing curbing on lot to be severed and retained to the satisfaction of the Town Engineering Department.
5. 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.
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 subject property is appropriately zoned.

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

CARRIED.

B20-80-6 – Ali Zulfiqar & Asad Sidhu (Lots 90-92, Block 110, Plan 301, Town of Ingersoll)

Ali Zulfiqar & Asad Sidhu were present to speak to the application. A. Zulfiqar explained that a semi-detached dwelling is proposed to be constructed on both the severed and retained lots. Once the semis are constructed, he will then request further severances to divide the semis into separate lots.

The purpose of the application for consent is to create a residential infill lot. The lot to be severed and retained will each cover an area of approximately 607.5 m² (6,538.6 ft²) in area and have frontages of approximately 18.29 m (60 ft.). A semi-detached dwelling is proposed to be constructed on both the severed and retained lots. The subject lands currently contain a single detached dwelling and 2 accessory buildings that are proposed to be demolished.

R. Versteegen reviewed the staff Planning Report. He indicated that in Planning staff's opinion the proposal is consistent with the 2020 Provincial Policy Statement and complies with the Official Plan policies. The subject property is currently zoned Residential Type 1 (R1) in the Town of Ingersoll Zoning By-law. The owners have submitted a zone change application to re-zone the subject property to Residential Type 2 (R2) to accommodate the semi-detached dwellings. The property is surrounded by single detached dwelling and semi-detached dwelling s. No concerns were received during the agency circulation and no comments were received during the public notification to the neighbours. Planning staff is in support of the application.

A. Zulfiqar indicated that he concurs with the findings, recommendation and suggested conditions of the staff Planning Report. He noted that he met with neighbours and they are in support of the development.

In response to D. Paron, A. Zulfiqar indicated that each lot will have separate services and that he will be submit further severances to sever each of the semis once the foundations are established. R. Versteegen confirmed that the County requires separate services, as opposed to easements.

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

'Granted'

CONDITIONS:

1. The lots to be severed and retained be appropriately zoned.
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 and sewer services to the lot to be severed have been complied with. This condition can be cleared by payment for the required services and completion of appropriate forms prior to the completion of the severance, to the satisfaction of the County of Oxford Public Works Department.
3. 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. The applicant is to provide the payment of cash-in-lieu of parkland for the creation of the new lot.
4. The Owners shall obtain demolition permits from the Town of Ingersoll prior to the demolition of the existing dwelling and accessory buildings.

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5. The Owners shall submit a proposed grading plan, prepared by a Professional Engineer or Ontario Land Surveyor, to confirm drainage run-off for the proposed severed and retained lots, to the satisfaction of the Town of Ingersoll.
 6. 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.
 7. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year of the mailing of this Notice of Decision. If all conditions are not met within one year, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within one year, the consent herein shall lapse.

REASONS:

1. The application for consent is consistent with the 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.

B20-83-2 & B20-84-2 – Hilderley's Garage Ltd. (Lot 56 and Part Lots 57 & 58, Plan 111,
Township of East Zorra-Tavistock)

Stewart Van Schepen was in attendance to present the application. He indicated the owners wish to create three residential building lots.

The purpose of the application for consent is to create a new residential building lot. The severed lot will comprise of an area approximately 587.3 m² (6,321.6 ft²). The lot to be retained will comprise of approximately 594.6 m² (6,400.2 ft²) and is also currently vacant. It is proposed that a single detached dwelling will be constructed on both the lots to be severed and the lot to be retained.

R. Versteegen reviewed the staff Planning Report. He stated that application proposes to create three residential infill lots, each of which is accommodate a single-detached dwelling. The lots will be on municipal water and municipal sanitary services. In the opinion of Planning staff each of the applications are consistent with the 2020 Provincial Policy Statement (PPS) and complies with the Official Plan policies. He further indicated that the severances represent the efficient use of lands. The subject property is appropriately zoned. No concerns were received during the agency circulation or the public notification to neighbours.

S. Van Schepen stated that he concurred with the findings and suggested conditions of the staff Report. R. Versteegen reviewed the conditions with the applicant.

In response to R. Jull, S. Van Schepen indicated that some of the trees on the property will need to be removed.

B20-83-2

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

'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 East Zorra-Tavistock.
2. If required, the Owners shall enter into a standard Severance Agreement with the Township of East Zorra-Tavistock, to the satisfaction of the Township of East Zorra-Tavistock.
3. The Owners shall prepare an overall grading plan and stormwater management design/plan for both the proposed severed and retained lots, to the satisfaction of the Township of East Zorra-Tavistock.
4. The Owners provide cash-in-lieu of parkland, to the satisfaction of the Township of East Zorra-Tavistock.
5. The County of Oxford Department of Public Works advise the Secretary-Treasurer of the County of Oxford Land Division Committee that all financial requirements of the County of Oxford with respect to provision of water and sewer services to the subject property have been complied with. This condition can be cleared by payment for the required services or entering into a severance agreement with the area municipality which states that no building permit shall be issued until payment is made to the County. In order to clear this condition, a copy of the draft Severance Agreement which addresses the above requirements to the satisfaction of the County of Oxford Public Works Department, must be provided to the Public Works Department.
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 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.

B20-84-2

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

'Granted'

CONDITIONS:

1. The certificate for B20-83-2 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 B20-84-2.

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 of East Zorra-Tavistock.
4. The Owners shall prepare an overall grading plan and stormwater management design/plan for both the proposed severed and retained lots, to the satisfaction of the Township of East Zorra-Tavistock.
5. The Owners provide cash-in-lieu of parkland, to the satisfaction of the Township of East Zorra-Tavistock.
6. The County of Oxford Department of Public Works advise the Secretary-Treasurer of the County of Oxford Land Division Committee that all financial requirements of the County of Oxford with respect to provision of water and sewer services to the subject property have been complied with. This condition can be cleared by payment for the required services or entering into a severance agreement with the area municipality which states that no building permit shall be issued until payment is made to the County. In order to clear this condition, a copy of the draft Severance Agreement which addresses the above requirements to the satisfaction of the County of Oxford Public Works Department, must be provided to the Public Works Department.
7. 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.
8. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year of the mailing of this Notice of Decision. If all conditions are not met within one year, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within one year, the consent herein shall lapse.

REASONS:

1. The application for consent is consistent with the 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.

B20-85-3 & B20-86-3 – Richard & Susan Pilkey (Part Lot 14, Concession 2, Township of Norwich, formerly Township of North Norwich)

Ryan Verhoog, the owner's solicitor, was present to speak to the applications. He indicated the application proposes to create two residential building lots in the Village of Burgessville.

The purpose of the applications for consent is to create two new residential lots in the southern portion of the Village of Burgessville. The lot to be severed by B20-85-3 will be 4,223 m² (45,455.9 ft²) in size. The lot to be severed by B20-86-3 will be 7,356 m² (79,181.9 ft²) in size, with approximately 193.8 m (635.9 ft) of frontage on the south end of Burgess Street. Single

detached dwellings and private wells and septic systems are proposed to be constructed on the two lots to be severed. The lot to be retained will be cover an area of approximately 5.98 ha (14.7 ac), contains an existing storage building and will continue to be used for cash cropping purposes.

R. Versteegen reviewed the staff Planning Report and explained that the application proposes to create two residential infill lots, while the retained lot will contain the existing contractor's shop and will continue to be cash cropped. In Planning staff's opinion the applications are consistent with the 2020 Provincial Policy Statement (PPS) and comply with the Official Plan policies. He noted that the property is currently zoned Development and that a re-zoning will be required for the severed and retained lots. Private services are proposed for the severed lots. He pointed out that residential uses exist along Burgess Street, with agricultural uses to the east that out outside of the Settlement area. No concerns were received during the agency circulation or the public notification to neighbours. Planning staff are in support of the applications.

R. Verhoog stated that he concurred with the findings and suggested conditions of the staff Planning Report.

B20-85-3

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

'Granted'

CONDITIONS:

1. The lots to be severed and retained be appropriately rezoned.
2. The certificate for B20-86-3 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 B20-85-3.
3. If required, a drainage reapportionment be undertaken, pursuant to Section 65 of the Drainage Act, R.S.O., 1990, at the owner's expense, to the satisfaction of the Township of Norwich.
4. If required, the owners enter into a standard Severance Agreement with the Township of Norwich, to the satisfaction of the Township.
5. 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.
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.

B20-86-3

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

'Granted'

CONDITIONS:

1. The lots to be severed and retained be appropriately rezoned.
2. If required, a drainage reapportionment be undertaken, pursuant to Section 65 of the Drainage Act, R.S.O., 1990, at the owner's expense, to the satisfaction of the Township of Norwich.
3. If required, the owners enter into a standard Severance Agreement with the Township of Norwich, to the satisfaction of the Township.
4. The Clerk of the Township of Norwich advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Township, financial, services and otherwise, have been complied with.
5. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year of the mailing of this Notice of Decision. If all conditions are not met within one year, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within one year, the consent herein shall lapse.

REASONS:

1. The application for consent is consistent with the 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.

B20-87-6 – James Blair & Caroline Nowak (Part Lots 52 & 53, Reg. Plan 186, Town of Ingersoll)

Caroline Nowak was present to speak to the application. She indicated that they propose to build a house on the severed lot.

The purpose of the application for consent is to create a residential infill lot. The proposed severed lot will cover an area of approximately 935.1 sq. m (10,065.3 sq. ft.) with frontage of approximately 21.3 m (70 ft.), and contains an existing accessory detached garage (to be demolished). The lot to be retained will cover an area of approximately 829.5 sq. m (8,928.7 sq. ft.) with frontage of approximately 18.9 m (62 ft.), and contains an existing single detached dwelling. It is proposed that a single-detached dwelling will be constructed on the lot to be severed.

R. Versteegen reviewed the staff Planning Report and indicated the application proposes the creation of a residential building lot. The existing detached garage on the severed lot will be demolished. In Planning staff's opinion the application is consistent with the 2020 Provincial Policy Statement (PPS), complies with the Official Plan policies, and concurs with the Zone Provisions in the Town's Zoning By-law. The surrounding land uses is residential. No concerns were received during the agency circulation or the public notification to neighbours. Planning staff are in support of the application, subject to the conditions outlined in the recommendation of the staff Planning Report.

C. Nowak stated that she concurred with the findings and suggested conditions of the staff Planning Report.

Moved by: C. van Haastert
Seconded by: D. Paron

'Granted'

CONDITIONS:

1. The County of Oxford Department of Public Works advise the Secretary-Treasurer of the County of Oxford Land Division Committee that all financial requirements of the County of Oxford with respect to provision of water and sewer services to the lot to be severed have been complied with. This condition can be cleared by payment for the required services and completion of appropriate forms prior to the completion of the severance to the satisfaction of the County of Oxford Public Works Department.
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. The applicant is to provide the payment of cash-in-lieu of parkland for the creation of the new lot.
3. The Owners shall prepare a draft reference plan confirming the dimensions of the lots to be severed and retained, building locations and relevant setbacks, to the satisfaction of the Town of Ingersoll.
4. The Owners shall obtain a demolition permit from the Town of Ingersoll prior to the demolition of the existing garage and the said garage shall be removed, to the satisfaction of the Town of Ingersoll Building Department.
5. The Owners shall provide a drawing of the exterior elevation of the existing dwelling on the interior side yard showing building height, all openings, windows, doors etc. relative to the new property line to the satisfaction of the Town of Ingersoll Building Department.
6. The Owners shall submit a proposed grading plan, prepared by a Professional Engineer or Ontario Land Surveyor, to confirm drainage run-off for the proposed severed lot, to the satisfaction of the Town of Ingersoll.
7. 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.
8. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year of the mailing of this Notice of Decision. If all conditions are not met within one year, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within one year, the consent herein shall lapse.

REASONS:

1. The application for consent is consistent with the 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.

B21-01-3 – Justus Farms Ltd. (Part Lots 19 to 21, Concession 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 an agricultural lot addition. The lot to be severed will cover an area of approximately 16.1 ha (39.78 ac) and is currently vacant and in agricultural production. It is propose that the lot to be severed will be added to the lands to the immediate north, municipally know as 145098 Potters Road. The lot to be enlarged is currently 41.3 ha (102 ac) in size and contains a number of existing agricultural buildings and an accessory single detached dwelling. The lot to be retained will be approximately 34.8 ha (85.9 ac) in size and contains a number of existing agricultural structures, as well as an accessory single detached dwelling.

R. Versteegen reviewed the staff Planning Report. He indicated the application is for an agricultural lot addition in Norwich Township. The retained lot will also be used for agricultural purposes. The severed lot is vacant, while the retained and enlarged lots consist of farm buildings and accessory single detached dwellings. In Planning staff's opinion the applicant is consistent with the 2020 Provincial Policy Statement (PPS), complies with the Official Plan policies and conforms to the General Agricultural (A2) zone provisions of the Township's Zoning By-law. He further indicated that the severance represents efficient use of agricultural land. No concerns were received during the agency circulation or the public notification to neighbours. Planning staff are in support of the application, subject to the conditions outlined in the recommendation of the staff Planning Report.

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

'Granted'

CONDITIONS:

1. If required, a drainage reapportionment be undertaken, pursuant to Section 65 of the Drainage Act, R.S.O., 1990, at the owner's expense, to the satisfaction of the Township of Norwich.
2. 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.
3. If required, the owner enter into a standard Severance Agreement with the Township of Norwich, to the satisfaction of the Township.
4. The Clerk of the Township of Norwich advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Township, financial, services and otherwise, have been complied with.
5. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year of the mailing of this Notice of Decision. If all conditions are not met within one year, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within one year, the consent herein shall lapse.

REASONS:

1. The application for consent is consistent with the 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.

C. van Haastert declared a conflict of interest and left the proceedings.

B21-05-7; A21-01-7 – Thames Valley District School Board (Part Lot 380, Plan 500, Town of Tillsonburg)

Eric Miles and Ben Puzanov were in attendance to present the application. E. Miles explained that the severance will create two distinct properties. He noted that a minor variance to reduce the interior side yard for the retained has also been requested with the severance

The Application for Consent is to create a new institutional lot. The lot to be severed will cover an area of approximately 2.23 ha (5.6 ac), with frontage on Maple Lane of 141.12 m (463 ft), and contains the former Maple Lane Public School. The lot to be retained will have an area of 5.75 ha (14.2 ac), with frontage on Tillson Avenue, Maple Lane, and Brock Street East, and contains Annandale Public School and associated parking areas and outdoor amenity space.

The proposed minor variance is seeking relief from Section 19.2 - IN1 Zone Provisions, in the Town of Tillsonburg Zoning By-law No. 3295, to reduce the required interior side yard width for an accessory building for the lot to be retained from 6 m (19.7 ft) to 1.8 m (5.9 ft) to the new interior lot line.

R. Versteegen reviewed the staff Report and indicated that the application proposes to separate an existing institutional lot consisting of a school. The severed lot contains the former Maple Lane School which is to be sold and re-purposed. The retained lot contains the existing Annandale Public School and associated parking areas and outdoor amenity space. The retained lot will continue to be used for institutional purposes. A minor variance has also been requested to reduce the required interior side yard for the accessory building on the lot to be retained. In Planning staff's opinion the application is consistent with the 2020 Provincial Policy Statement (PPS), complies with the Official Plan policies and is currently zoned Institutional (IN). He indicated that there is a mix of high and low density residential uses in the area. No concerns were received during the agency circulation or the public notification to neighbours.

Both E. Miles and B. stated that they had no comments.

In response to R. Jull, E. Miles stated they had no indication of how the severed lot will be redeveloped. The sale of the property is yet to be offered to prospective purchasers.

B21-05-7

Moved by: P. Rigby
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.

A21-01-7

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

'Granted'

REASONS:

1. The variance requested is a minor variance from the provisions of the Town of Tillsonburg Zoning By-law No. 3295.
2. The variance requested is desirable for the appropriate development or use of the land, building or structure.
3. The variance requested is in keeping with the general intent and purpose of the County of Oxford Official Plan.
4. The variance requested is in keeping with the general intent and purpose of the Town of Tillsonburg Zoning By-law No. 3295.

CARRIED.

C. van Haastert returned to the proceedings.

B20-79-1 – James Brian Fitzpatrick (Part Lots 23 & 24, Conc. 7, Township of Blandford-Blenheim, formerly Township of Blenheim)

Pierre Chauvin, MHBC Planning, the owner's agent, was in attendance to present the application. Also in attendance were the following individuals:

Anne Probst
826452 Township Road 8
R. R. #1
Drumbo ON N0J 1G0

Deborah Reyner
835988 Hubbard Road
R. R. #1
Drumbo ON N0J 1G0

Darren Walters
c/o Walter's Family Theatre
836074 Hubbard Road
Drumbo ON N0J 1G0

Margaret Anne Huxley
Gary MacDonald
826526 Township Road 8
Drumbo ON N0J 1G0

Ron Walder
139 Lisgar Avenue
Tillsonburg ON N4G 3L5
(representing Rob & Becky Wigand)

Pierre Chauvin indicated that he was representing the owner James Fitzpatrick. He indicated that the J. Fitzpatrick has owned the property since 2000, and that he also owns an additional 5 acre parcel located directly west of the severed lot across Oxford Road 22. He explained that the owner applied for a severance to create a farm parcel to accommodate a 600-hog farm operation as a worse-case scenario in terms of generating MDS 2 arcs and prove that the proposed lot could accommodate this type of operation. He stated that, in his opinion, the application does meet the Official Plan policies, is consistent with the 2020 Provincial Policy (PPS) and conforms to the Township's Zoning By-law provisions.

The purpose of the application for consent is to create a vacant farm parcel. The lot to be severed will cover an area of approximately 25.7 ha (63.5 acres) and is currently vacant. The lot to be retained will cover an area of approximately 31.9 ha (78.8 acres), contains farm buildings and an accessory single-detached dwelling, and is in agricultural production. It is proposed that the severed lot would be used for cash cropping and that a barn would be constructed to facilitate an operation consisting of 600 hogs.

R. Versteegen reviewed the staff Planning Report. He explained that the owner has applied to create a 63-acre farm lot that is currently vacant. The subject property consists of wetlands and environmental features. The property is designated Agricultural Reserve on the Land Use Plan in the Official Plan policies and is zoned General Agricultural (A2) in the Township's Zoning By-law. The application proposes to accommodate a 600-head hog operation on the lot to be severed. The retained lot will also continue to be used for agricultural purposes. The area is predominately agricultural. It is Planning staff's opinion that the application is consistent with the 2020 Provincial Policy Statement (PPS) and complies with the Official Plan policies. He indicated that a farm plan is required where a proposed farm parcel is smaller than required by the By-law (30 ha (74.1 ac.)) that proves the farm will be viable within a 5-year period. No agency concerns were received during the agency circulation. The Grand River Conservation Authority did request that an Environmental Impact Study (EIS) be prepared for the severed lot. The severed lot will require a re-zoning recognizing the proposed lot area as well as the requirement that the hog operation be established prior to the construction on an accessory dwelling. Three letters received after the staff Report was sent out were read aloud. The letters were received from Michelle Cassell, Rob & Becky Wigand and Dean Jancsar.

Ron Walder stated that he was representing Rob & Betty Wigand. In response to R. Walder's questions, R. Versteegen explained the requirement for the Environmental Impact Study (EIS) to ensure that there are no impacts on the environmental area while ensuring that there is appropriate separation between the proposed farm buildings and the environmental features. R. Versteegen stated that the EIS will only be required for the severed lot and will be focussed on where the proposed buildings are to be located.

In response to A. Probst, P. Chauvin indicated that there is interest in the proposed severed lot, however, it has not been sold to date.

D. Walters indicated that their business, the Walter's Family Theatre, is one of Oxford County's largest tourist draws, entertaining approximately 25,000 guests per season. This year will be their 20th season. The proposed severance will be detrimental to their business. Their property is downwind of the proposed area and could wipe out their business. As a result, consideration needs to be taken regarding the potential impacts to their business.

Deborah Reyner stated that the proposal may not necessarily be for a hog operation, and that any type of farm operation could be proposed. In response, R. Versteegen explained that the owner simply chose a hog operation as a worst-case scenario and that a turkey, chickens or goat operation could also be established. In each case, separate viability reports will be required that demonstrates that either of the operations would be viable. D. Reyner questioned whether the neighbours will be notified of these reports. R. Versteegen pointed out the farm viability report is reviewed by staff internally.

P. Chauvin explained that the agricultural buildings must be built before the accessory single detached dwelling. If a dairy operation was proposed, then a new viability report would need to be prepared.

D. Reyner was concerned that a house could be built on the lot prior to any of the farm buildings. In response to her concerns about the site requirements, R. Versteegen indicated that the application met the Minimum Distance Separation 2 (MDS 2) formula according to information provided by the applicant. The Grand River Conservation Authority would review the location of the proposed farm buildings through the completion/review of the EIS. The Agricultural Reserve policies in the Official Plan require a minimum of 75 acres for an agricultural parcel. In cases where proposed lots are intended to be less than 75 acres a farm viability report is required to be completed.

Margaret Huxley stated that she wrote a letter which was appended to the staff Report. She read her letter dated March 22nd. In response, P. Chauvin responded to the M. Huxley's letter and stated that the concerns raised in her letter related to the hog operation. He explained that a hog operation may not be what is planned for the subject property. Whatever type of farming operation is proposed, the applicant will be required to comply with the MDS 2 formula. Further, he noted that MDS this is the only tool available to ensure proper separation between livestock operations and neighbouring residential uses.

P. Chauvin addressed D. Walters and stated that his theatre is located within an agricultural area and the Province is trying to promote agriculture.

In response to J. Lessif, P. Chauvin stated that nothing is preventing the applicant from establishing a hog operation on the subject property today. R. Versteegen indicated that a hog operation on the subject property would meet the MDS 2 calculations.

P. Chauvin stated that hog prices are currently not good and it could be a worst case scenario, choosing this type of operation. R. Versteegen stated that farmers expect long-term financial gains; the rationale is that the farm parcel is large enough to continue to be viable for a variety of farming operations.

D. Paron confirmed that the farm viability report is required because the property proposed is less than the lot area requirement of the By-law. R. Versteegen agreed. It was further noted that a change in livestock could trigger a change in the size of the barn. Lifting the Holding Provision is subject to subsequent zone change application.

P. Chauvin stated that the Environmental Impact Study would be completed this summer. In response to D. Paron, he stated that any water table issues would be reviewed at the Building Permit stage. In response to D. Paron, R. Versteegen confirmed that the zone change is subject to public notification; however, the review of the Environmental Impact Study is not a public process.

R. Jull suggested that he would prefer to speak directly to the perspective purchaser as to the type of farm operation is actually proposed.

D. Walters further addressed his concerns to P. Chauvin and pointed out that his business is in jeopardy if the hog operation was established.

D. Reyner stated she supports the Walters Family and asked Planning staff to explain what a viability test is. R. Versteegen explained that the viability test is subjective and needs demonstration of a liveable wage, ensuring sustainability after all bills are paid. In response, P. Chauvin stated that the test should not be one of proving who is a good purchaser, but rather proving that the operation is a viable one. He gave an example of a chicken operation that could run on 10 acres or less and still be a viable farm.

A. Probst questioned whether the owner would apply to the Township to remove the Holding Zone provision. In response, R. Versteegen indicated that if the barn is not built first, the Holding Zone cannot be removed. However, it would be Township's Council decision whether or not the Hold provision should be removed.

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

'Granted'

NOT CARRIED.

The motion was not carried due to a tie vote.

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

'Not Granted'

NOT CARRIED.

The motion was not carried due to a tie vote.

The Committee discussed the application further.

P. Chauvin indicated that there is no current buyer for the severed lot, only interest. He indicated that the owner originally planned a hog operation on the entire property.

A. Tenhove asked P. Chauvin if the owner would consider deferring the application until such time as the property is sold. In response, P. Chauvin indicated that it is hard to sell a property that has not been severed.

D. Paron suggested that the owner could construct the barn for the 600 hogs and then sever the parcel? In response, the use would still need to be established.

C. van Haastert suggested establishing a larger farm parcel might give the owner an opportunity. He questioned P. Chauvin on the amount of workable land on the proposed severed lot. In response, P. Chauvin indicated that approximately 14 acres is workable. C. van Haastert suggested that the trend seems to be larger farms are more viable. He further noted that the tillable acreage is low, and the parcel to be severed is below the required lot area requirement. In response, P. Chauvin stated that if the acreage is low, the farmer still has the ability to use other lands as part of a farm unit. At the end of the day, the lands are still in agricultural production.

R. Jull pointed out that of the 14 acres, approximately 3 to 5 acres could further be lost to the construction of buildings.

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

'Not Granted'

REASONS:

1. The application for consent is not consistent with Section 2.3.4 (Lot Creation and Lot Adjustments) of the 2020 Provincial Policy Statement as the proposed agricultural lot is not of a size appropriate for the type of agricultural uses common in the area and is not sufficiently large enough to maintain flexibility for future changes in the type or size of agricultural operations
2. The application for consent does not comply with Section 3.1.4.4.2 (Creation of Farm Parcels) in the County of Oxford Official Plan as the lot to be severed does not have sufficient size, and workable land in comparison to total parcel size.
3. Comments received from the public were reviewed, and where appropriate, were considered in the Land Division Committee's decision to deny the application.

CARRIED.

On the motion of D. Paron, the Committee meeting adjourned at 12:15 p.m.

"Arend Tenhove"

CHAIRMAN