

**MINUTES**  
**LAND DIVISION COMMITTEE**

The Land Division Committee of the County of Lambton met at the Lambton County Buildings at 9:00 a.m., Tuesday, August 12, 2003, to hold a hearing into applications for consent, minor variance and plan of subdivision.

Present: Chair Wm. Bilton, Warden Todd Case. Members: K. Hart and P. Davidson. Also present were Deputy-Secretary-Treasurer M. Pauschenwein and Junior Planner M. Wetering, Manager of Planning and Development Services D. Posliff and Planner M. Cossa-Rossi attended for the plan of subdivision portion of the meeting.

Absent: None.

**APPLICATION A-002/03**

Dennis Phillips  
Concession 10, East Part Lot 12  
4191 Ebenezer Road  
Township of Brooke-Alvinston

An application for minor variance has been received from Dennis Phillips, owner of Part Lot 12, Concession 10, Township of Brooke-Alvinston. The applicant is seeking relief from the Township of Brooke-Alvinston Zoning By-law as it relates to:

- 1) Section 5.1 b) Minimum Exterior Side Yard Width;
- 2) Section 5.1 b) Minimum Rear Yard Setback;
- 3) Section 3.18.1 Setbacks from Ditches and Drains.

The subject lands are zoned "Agriculture (A.1) Zone" in the Township of Brooke-Alvinston Zoning By-law 22 of 2000.

Attending the meeting was Dennis Phillips who explained to the Committee his intention of building a 26' x 36' driveshed to house lawnmowers and bicycles as well as a portion for a garage and shop. It is proposed that the shed be located 3.96 metres from both the rear lot line and the exterior side lot line, whereas the zoning by-law requires a rear yard setback of 7 metres and an exterior side yard setback of 20 metres. The location of the shed has been chosen in part because of the location of the existing sewage system and the site topography.

There was a discussion regarding the closed municipal drain at the rear of the property. Section 3.18.1 of the Township Zoning by-law states that "No Building or Structure shall be erected closer than 15 metres, measured perpendicularly, from the centre line of a Closed Municipal Drain". The proposed shed will be located well within 15 metres of the drain and this setback reduction will also have to be recognized through a minor variance. The Brooke-Alvinston Drainage Superintendent visited the property and has recommended that a 10 metre setback from the drain be imposed.

The letters of submission were read which included letters of support from the Township of Brooke-Alvinston and the Township's Drainage Superintendent.

The Chair advised of the 20 day appeal period and appeal procedures.

Davidson/Hart: That Application A-002/03 be approved for the following variances:

Section 5.1 b) Minimum Exterior Side Yard Width;  
Section 5.1 b) Minimum Rear Yard Setback;  
Section 3.18.1 Setbacks from Ditches and Drains – a 5 metre reduction in the required 15 metre setback.

**APPLICATION B-007/03**

1272068 Ontario Ltd. (Ken Simpson)  
Concession 11, SE ¼ & NE ¼  
and E ½ of the W ½ of Lot 25  
1327 Hale School Road  
Township of Dawn-Euphemia

An application has been made with the intent to create a lot with a frontage of 67.3 metres, a depth of 127.4 metres and an area of approximately 8,115m<sup>2</sup>. The retained agricultural portion would have an area of approximately 59.2 hectares after severance. The subject property contains a dwelling and two out buildings which are surplus to the new owner's needs.

The Official Plan for the Township of Dawn-Euphemia designates these lands "Agricultural" and they are zoned "Agricultural-1 (A1) Zone" in the Township Zoning By-law 25 of 2002. The lands adjacent to the creek which flows through the farm are designated and zoned hazard land but do not affect the proposed residential lot.

Mr. Ken Simpson attended the meeting and explained that he had recently purchased this farm property and that the dwelling was surplus to his needs.

The planning report and other submissions were read.

The Chair advised of the 20 day appeal period and of appeal procedures.

Case/Davidson: That the decision on Application B-007/03 be approved with conditions.

Carried.

**Conditions:**

1. That a copy of the deed and R.D. Plan or survey in a form suitable for registration be deposited with the Secretary-Treasurer.
2. That a fee of \$500.00 be paid to the County of Lambton by cash or certified cheque.

3. That all conditions be fulfilled within one year of the notice of decision of this consent. That the certificate of consent required by Sections 53(42) of the Planning Act, be obtained within one year of the notice of decision of this consent.
4. That a site specific Zoning By-law amendment for the severed lands be obtained if deemed necessary by the Township of Dawn-Euphemia.
5. That the applicant enter into an agreement with the Township of Dawn-Euphemia for the apportionment of drainage assessments on the involved properties.
6. That, if either the severed portion or the two retained portions, do not have an access culvert after the consent, then the applicant is responsible for the cost of the Township of Dawn-Euphemia providing such access.

### **PLAN OF SUBDIVISION**

#### **APPLICATION NO. 38T-03001**

St. Clair Marina Estates  
1375404 Ontario Inc.  
c/o Carl Benedict and Richard Brown  
Part of Lots "D" and "E", Concession 5  
Township of St. Clair

An application for approval of a draft plan of subdivision has been made by 1375404 Ontario Inc. The subject lands are situated at the south west corner of the intersection of the St. Clair Parkway and Indian Road. The lands are further described as Part of Lots D & E, Concession 5, former Township of Sombra. The intent is to create 33 residential building lots for single detached dwellings. It is proposed that 13 of the lots front onto the Parkway and the remaining lots be accessed by two new roads. A total of twenty-seven blocks are also proposed. Block 25 is for stormwater management purposes, Blocks 35 through 47 are sewer easements and Blocks 48 through 60 are easements in favour of St. Clair Township for maintenance of the Hubbard Drain.

The Official Plan for the Township of St. Clair designates these lands "Residential Constraint" and "Hazard & Environmental Protection". The lands are the subject of a Zoning By-law amendment which is tailored to the lot frontages and lot areas within the proposed plan of subdivision. The lands adjacent to the Hubbard Drain will remain in the "Environmental Protection – Hazard Zone".

Attending the meeting were applicants Carl Benedict and Richard Brown as well as interested neighbours Brent Denure, Jean Wesley and Jack Renders.

Mr. Benedict stated that the single-family dwelling would have a minimum floor area of 1,800 square feet. Phase one would be the 13 lots along the St. Clair Parkway with the whole subdivision being completed in 3 phases.

The Planning Report, which stated conformity with the County Official Plan and the Township of St. Clair Official Plan, was read. The application would conform to the Provincial Policy Statement when conditions placed on this application are fulfilled. Other letters of submission were read.

There was a discussion regarding the soil stability in the area. Mr. Benedict stated that he had built a house on Indian Road and 5' down was solid, stable sand. No archaeological artifacts were found when excavating.

The applicants were informed that they would be required to do an archaeological study and that they should contact the Ministry of Culture.

The Chair advised that the Committee would be making a recommendation to the Secretary-Treasurer of the Land Division Committee. The draft approval cannot be given until 14 days after the public meeting.

Davidson/Hart: That the Land Division Committee make recommendation to the Secretary-Treasurer that Plan of Subdivision Application 38T-03001 be given draft approval with the following conditions which shall be fulfilled prior to final approval of this Plan of Subdivision.

Carried.

1. That this Approval dated \_\_\_\_\_ 2003, applies to the draft plan of subdivision, prepared by R.A. MacKenzie, Ontario Land Surveyor, dated June 9, 2003, which shows a total of thirty-three lots and twenty-seven blocks (Block 25 is for storm water management purposes, Blocks 35 through 47 are sewer easements and Blocks 48 through 60 are maintenance easements for the Hubbard Drain).
2. That the road allowances included in the draft plan be shown and dedicated as public highways.
3. That the proposed streets be named to the satisfaction of the Municipality and the County and be compatible with the County-wide 9-1-1 addressing system.
4. That the Owner enter into a subdivision agreement with the Township of St. Clair to satisfy all requirements of the Municipality, financial and otherwise. This agreement shall be registered on title to the subject lands.
5. That the subdivision agreement between the Owner and the Township of St. Clair may contain phasing arrangements to the satisfaction of the Municipality.

6. That the subject lands be rezoned to recognize the lot areas and frontages proposed for this plan of subdivision. Provisions relating to a 5 metre natural buffer along the Hubbard Drain shall be incorporated into the Township Zoning By-law to the satisfaction of the Municipality.
7. That the Owner provide a parkland dedication or cash-in-lieu to the satisfaction of the Municipality. In the event of a request for an extension of Draft Approval, the Owner also agrees that the date for calculation of cash-in-lieu of parkland may be from the date of the extension of Draft Approval.
8. That such easements required for utility or drainage purposes shall be granted to the appropriate authority.
9. That an engineer's report concerning the maintenance of the Hubbard Drain be prepared to the satisfaction of the Township of St. Clair.
10. That a preliminary soil investigation be undertaken to identify any areas of concern relating to the construction of detached dwellings. An engineer's report shall be prepared to the satisfaction of the Township Building Inspector. Any recommendations contained in the report shall be incorporated into the Subdivision Agreement.
11. That the Owner obtain reserve sewage capacity from the Township of St. Clair for the proposed development.
12. That the Owner carry out an archaeological assessment of the subject property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No grading or other soil disturbances shall take place on the subject property prior to the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements.
13. That the Owner obtain clearance from the Ministry of the Environment for the final stormwater management plan.
14. That prior to Final Approval by the County, the County is to be advised in writing by the Township of St. Clair how Conditions 2, 3, 4, 5, 6, 7, 8, 9, 10 & 11 have been fulfilled.
15. That prior to Final Approval by the County, the County is to be advised in writing by the Ministry of Culture how Condition 12 has been fulfilled.
16. That prior to Final Approval by the County, the County is to be advised in writing by the Ministry of the Environment how Condition 13 has been fulfilled.

17. When requesting Final Approval by the County, the Owner shall submit one original plan, five transparent duplicates, six white paper copies, two 3 1/4" micro floppy diskettes or two compact discs containing the Final Plan (compatible with AutoCAD) and three copies of the Subdivision Agreement executed with the Township of St. Clair.
18. This Draft Approval shall lapse if Final Approval, or extension to the Draft Plan Approval is not obtained within three years of the date of this approval, being \_\_\_\_\_ 2006.

Adjournment

The Chair declared the meeting adjourned to meet again on September 9, 2003.

Time: 10:00 a.m.

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William Bilton

Chair

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Madeline Pauschenwein

Deputy-Secretary-Treasurer