

**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, September 9, 2003, to hold a hearing into applications for consent, minor variance and plan of subdivision.

Present: Chair Wm. Bilton. Members: K. Hart and P. Davidson. Also present were Deputy-Secretary-Treasurer M. Pauschenwein, Jr. Planner M. Wetering, Planners B. Uitvlugt and M. Cossa-Rossi.

Absent: Warden T. Case.

**APPLICATION B-008/03**

Deane Clark a/f Alfred Barry Beatty  
Con. 3 SER, Pt. Lot 6, Part 2 of 25R2523  
6647 London Line  
Township of Warwick

An application has been made with the intent to add lands to an existing residential lot owned by Deane Clark. The residential lot has an area of approximately 1.124 acres and was previously added to under Application B-021/00. Mr. Beatty proposes to sever an "L" shaped portion of approximately .65 acres from his property and convey it to that of Mr. Clark. The retained lot would be approximately 7 acres in area.

The Official Plan for the Township of Warwick designates these lands "Agriculture", "Hazard and Environmental Protection", and a small area as "Woodlot". They are mainly zoned "Agricultural 1" and "Environmental Protection-Hazard" in the Township Zoning By-law 54 of 2000.

Attending the meeting was Deane Clark who explained to the Committee his intention to obtain a portion of land from his neighbour Mr. Barry and add to his lands. He wishes to build a shed on the property. He is restricted regarding where he can build because portions of his property have Conservation Authority restrictions (Hazard Lands).

The Jr. Planner read the Planning Report and the Deputy-Secretary-Treasurer read other correspondence.

The Chair advised of the appeal procedures.

Davidson/Hart: That Application B-008/03 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 the severed lands be deeded in the same name and interest as the lands to which they are being added and that Section 50(3) of the Planning Act applies to any future conveyances or transactions.

**APPLICATION B-009/03**

Betty De Pauw  
Concession 14, Lot 17  
598 Mawlam Road  
Township of Dawn-Euphemia

An application has been made for the purpose of creating an easement for an existing waterline and well. The well is located on vacant farmland and the waterline runs underneath Mawlam Road to service an existing dwelling located on land opposite the farmland. Although the parcels on each side of Mawlam Road are under one role number, the road represents a break in property ownership and therefore divides the lands into two separate parcels. It is intended that the easement for the maintenance of the well and waterline be registered in favour of the owner of the property containing the dwelling.

The Official Plan for the Township of Dawn-Euphemia designates these lands “Agricultural” and they are zoned “Environmental Protection – Hazard (EP-H) Zone” in the Township Zoning By-law 25 of 2002.

Attending the meeting were Betty and Gus De Pauw. Mrs. De Pauw explained that they have sold the property containing the house to their daughter and they wish to ensure future access to the water well. The other portion of property on the other side of Mawlam Road (which contains the well) is also for sale.

There are two matters relating to this application which must be addressed. First, the portion of the proposed easement which traverses Township property (Mawlam Road), cannot be dealt with by this Committee without the permission of the Municipality.

Under the Planning Act a Municipality does not require consent to convey land. Therefore, the Land Division Committee should only deal with Part 3 as shown on the applicant's survey prepared by Barry Land Surveying, dated October 28, 2002.

Hart/Davidson: That Application B-009/03 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 an easement or agreement relating to that portion of the waterline on municipal property be obtained from the Township of Dawn-Euphemia.
5. That the transfer of the residential parcel be completed prior to the issuance of the Certificate of Consent or that a Schedule "S" be completed when the Certificate of Consent is sought.

**APPLICATION A-003/03**

Patti Greer Ex for Patricia Brown Estate  
Concession 11, N Pt Lot 18  
Township of Brooke-Alvinston

An application for minor variance has been received from Patti Greer Executrix for the Patricia Brown Estate, Concession 11, N Pt Lot 18, Township of Brooke-Alvinston. The applicant proposes to construct a shed at the rear of the property and is requesting relief from the minimum 3 metre interior side yard width to 1.524 as well as relief from the minimum 7 metres rear yard setback to 1.524m. Since the water well is located 15.24 metres from the back lot line, the applicant wishes to ensure that there is enough space between not only the well and the proposed storage shed (3 metres), but also enough of a laneway enabling turning around on and in front of the proposed shed.

The subject land is designated "Rural Area" in the Township's Official Plan and zoned "Agriculture 1 (A1) Zone".

Attending the meeting were Patti and Steve Greer. Mr. Greer explained that they wanted to erect a storage shed 40' x 64'. The existing water well is 48' from the back lot line and they would like to locate the shed to the rear of that well.

The letters of submission were read which included a letter of support from the Township of Brooke-Alvinston.

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

Davidson/Hart: That Application A-003/03 be approved for Section 5.1 b) Minimum Interior Side Yard Width and Minimum Rear Yard Setback. Carried.

**Reasons:** This application meets the intent of both the Township of Brooke-Alvinston Official Plan and Zoning By-law. Four tests for minor variance have been met, and will not adversely affect surrounding properties.

## **PLAN OF SUBDIVISION**

### **APPLICATION 38T-03002**

Danbury Developments Inc.  
Part of Lot 239, Plan 413  
Township of St. Clair (Corunna)

An application for approval of a draft plan of subdivision has been made by Danbury Developments Inc., with the intention to create 14 building lots for the construction of eight townhouse units (Lots 1-4 & 11-14) and six semi-detached dwellings (Lots 5-10). Block 15 would be developed for a townhouse dwelling(s) containing not more than 6 units as stipulated by the Ontario Municipal Board in its May 16<sup>th</sup>, 2002 decision upholding a municipal zoning by-law amendment to permit townhouses and semi-detached dwellings on the subject lands.

The Official Plan for the Township of St. Clair designates these lands "Residential" and they are zoned "Residential 2-1" in the Township Zoning By-law 17 of 2003. The R2-1 zone provisions contain exceptions from the standard R2 provisions which apply specifically to the subject lands.

### **Zoning By-law**

A Zoning By-law amendment relating to the subject lands was passed by St. Clair Council under By-law 50 of 2001. The approval was appealed by neighbours to the Ontario Municipal Board which upheld the re-zoning but made a number of amendments to the Zoning By-law. The zoning provisions, which permit townhouses and semi-detached dwellings, were tailored to the proposed plan although it should be noted that the density of the development is less than would be permitted.

### **Conformity with the Township of St. Clair Official Plan**

The Official Plan for the Township of St. Clair came into effect on January 3, 2001. The lands are designated for residential development which includes medium density development. The semi-detached units are situated on large lots abutting a 6 metre closed lane which backs onto single detached dwellings fronting onto Albert Street. Lots 1 through 14 would front onto a new cul-de-sac and the units proposed for Block 15 would front onto an extension of Paget Street. Section 2.2.15 of the Township Official Plan contains policies for medium density developments.

These policies seek to ensure that such developments are located near amenities, recreational facilities and major roads. The development must also be provided with sufficient on-site parking and adequate buffering and the buildings must not be more than three storeys in height. In regard to these criteria, it should be noted that the development is located in the community of Corunna, near Athletic Park on Queen Street and has easy access to Hill Street (County Road #4). Also, in accordance with the OMB order and the provisions of the Municipal Zoning By-law, each dwelling will be provided with on-site parking for at least two vehicles, the development will be provided with a "perimeter screening fence" and the height of the townhouses will be restricted to one storey. It is the opinion of this department that the proposed development of semi-detached dwellings and townhouses would conform to local Official Plan policies.

### **Conformity with the County of Lambton Official Plan**

The lands are designated "Urban Centre" in the County of Lambton Official Plan. Policies in the County Plan seek to direct growth to Urban Centres where full municipal services are available. Planning policies were formulated to limit development in the rural area to protect farming activities and strengthen existing urban communities. Based on our review of the County's Growth Strategy, it is this department's opinion that the proposed draft plan of subdivision conforms to the County's Official Plan.

### **Conformity with Provincial Policy**

When reviewing proposed plans of subdivision, certain matters must be considered to ensure the health, safety, convenience and welfare of the present and future inhabitants of the local Municipality. In this regard, the Provincial Policy Statement, and Sections 2, 3 and 51(24) of the Planning Act, R.S.O. 1990, contains criteria which must be considered by the Subdivision Approval Authority.

The Provincial Policy Statement encourages new residential development, ranging in type and density to occur within existing built-up areas. It is the opinion of this department that the proposed subdivision, if approved with the attached conditions, would conform to Provincial Policy. It should also be noted that the Ontario Municipal Board would have had regard for Provincial Policy when it approved the zoning on the subject lands.

### **Servicing**

An extension of Queen Street would provide access to the proposed cul-de-sac and the dwellings fronting onto it. The cul-de-sac will be a public road and therefore must be dedicated to the Municipality. An extension of Paget Street would provide direct access to Block 15.

Certificates of Approval have been issued by the Ministry of Environment for the stormwater interceptor, the storm and sanitary sewers and the watermains.

Any other servicing matters can be addressed in the subdivision agreement between the owner and the Municipality.

### **Municipal Response**

St. Clair Township Council has reviewed the application for draft plan approval and has no concerns or objections to the approval of the draft plan subject to the developer entering into an appropriate subdivision/site plan agreement with the Municipality.

### **Public Meeting**

Attending the meeting were Dan Brousseau of Danbury Homes and Francis De Sena, his solicitor. Also attending were neighbours Mike Marriot, Vicki Holmes and Jim Marchuk.

Mr. De Sena explained that the homes in this development would be 2 bedroom units. Mr. Brousseau plans on installing fencing around the development which would include a 3' high brick portion with a wrought iron portion on top of that.

Mr. Marchuk has concerns regarding the fencing along the lane. Will the lane be cleaned up? He was told that the land is municipal property and not the responsibility of the developer.

Vick Holmes has concerns regarding multi-family development. This was supposed to be for seniors. Mr. De Sena said that this would be a managed property with maintenance provided by one service. It will be very similar to a condominium but not a condo development. There will be monthly association fees for the maintenance of the property. Mr. De Sena said that they were not willing to take on a legal battle regarding age restrictions on the development but that they were trying to target empty-nesters.

M. Wetering read the planning report and M. Pauschenwein read other submissions.

Hart/Davidson: That the Land Division Committee make a recommendation to the Secretary-Treasurer that the Plan of Subdivision Application 38T-03002 be approved with the attached conditions which shall be fulfilled prior to the final approval of this Plan of Subdivision.

Carried.

1. That this Approval, dated 2003, applies to the draft plan of subdivision, prepared by T. Martin Nisbet, Ontario Land Surveyor, dated June 25, 2003, which shows a total of 14 lots and 1 block (Block 15 to be developed for a maximum of 6 townhouse units).
2. That the proposed cul-de-sac included in the draft plan be shown and dedicated as a public highway.
3. That the proposed cul-de-sac 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. The subdivision/site plan agreement shall address such matters as the required perimeter fencing, the construction of common walls and building designs. The agreement may also contain wording regarding the maintenance of the lands and the works provided for in the agreement, until development of the subject lands occurs.
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 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.
7. That such easements required for utility or drainage purposes shall be granted to the appropriate authority.
8. That the Owner obtain reserve sewage capacity from the Township of St. Clair for the proposed development.
9. 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 have been fulfilled.
10. That prior to Final Approval, the County must clear Condition 3.

11. 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.
12. This Draft Approval shall lapse if Final Approval, or extension to Draft Plan Approval is not obtained within three years of the date of this approval.

Adjournment

The Chair declared the meeting adjourned to meet again on October 21, 2003.

Time: 11:00 a.m.

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William Bilton

Chair

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Madeline Pauschenwein

Deputy-Secretary-Treasurer