

MINUTES

County of Lambton
Meeting for the Committee "Land Division Committee"
on
Tuesday August 9, 2005 09:00 AM
Committee Room #1
Chair: Jim Foubister

Orders of the Day:

Applications

The Land Division Committee of the County of Lambton met at the Lambton County Buildings at 9:00 a.m., Tuesday, August 9, 2005, to hold a hearing into applications for Consent and Part Lot Control.

Present: Chair J. Foubister, Warden Pat Davidson. Member: B. Bilton. Also present were Deputy-Secretary-Treasurer M. Pauschenwein and Planner Maria Cossa-Rossi.

Absent: T. Case

Land Division

Application B-007/05

Irene Alice Thrower
Concession 5 SER, West Part Lot 9
RP 25R44531, Part 2
5412 Nauvoo Road
Geographic Village of Watford
Township of Warwick

An application has been made with the intent to sever a parcel of land having a frontage of 27.28 metres, a depth of 31.69 metres and an area of 864.7 square metres. The retained portion will have a frontage of 31.85 metres, a depth of 63.55 metres and an approximate area of 2024 square metres.

The proposed severed portion contains an auto body shop that is currently vacant, but used occasionally by the applicant's son for personal auto body work. The proposed retained portion contains a single family detached dwelling occupied by the applicant. The applicant wishes to separate the body shop from the residential portion in order to place her estate in order for her children.

The Official Plan for the Township of Warwick designates these lands as "Residential" and they are also zoned "Residential 1 (R1) Zone" in the Township Zoning By-law 54 of 2000.

The applicant previously applied for this severance under applications B-060/89 and B-006/04 and the severance granted both times. However, the severance lapsed on both occasions because the conditions were not fulfilled within one year of granting the severance.

The Public Works Department has also reviewed this application and requires a 5.1816 metres (17 foot) road widening dedication across the frontage of the severed parcel as a condition of severance as the subject land fronts on Confederation Line (County Road 39).

No one attended to speak to the application. The Planner read the planning report and the Deputy-Secretary-Treasurer read submissions received.

Davidson/Bilton: That Application B-007/05 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 5.1816 metre (17 foot) road widening be deeded to the County of Lambton across the frontage of the severed parcel.

The Chair advised regarding appeal procedures.

Application B-008/05

Jason Phair
Concession 3, W 1/2 of the E 1/2 of Lot 16
3590 Lambton Line
Geographic Township of Dawn
Township of Dawn-Euphemia

An application has been made with the intent to sever an approximate 20.2ha (50 acre) farm fronting on Lambton Line. The proposed severed parcel would have a frontage of 90.53m (297'), a depth of 90.53m (297') and an area of 0.82ha (2.025 acres). The proposed retained portion would be approximately 19.4ha (47.975 acres).

There is a residential dwelling and a barn on the proposed severed parcel. The applicants have purchased another farm within the Township of Dawn-Euphemia and have moved into the home on the newly purchased property and therefore maintain that the residential dwelling on the subject lands is surplus to their needs.

The Official Plan for the Township of Dawn-Euphemia designates the subject lands "Agriculture" and the subject lands are zoned "Agricultural (A1) Zone" in the Township Zoning By-law 25 of 2002.

Attending the meeting were Jason Phair (applicant) and Valerie Robinson. Mr. Phair had nothing to add to the application.

The Planner read the planning report and the Deputy-Secretary-Treasurer read other submissions received.

There was a discussion regarding the existing underdrain septic system on the property. The County's Septic Inspector has stated that the existing septic system be upgraded to comply with the *Ontario Building Code*.

Bilton/Davidson: That Application B-008/05 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 applicant enter into an agreement with the Township of Dawn-Euphemia for the apportionment of drainage assessments on the involved properties.
5. That, if either the severed portion or the retained portion does 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.
6. That a site specific Zoning By-law amendment be obtained to address the rezoning of the proposed severed residential lot, recognizing the proposed undersized retained portion and lastly that the proposed retained parcel be rezoned to prohibit the erection of a new farm/residential dwelling (in perpetuity).
7. That the septic system be upgraded to comply with the *Ontario Building Code*.

The Chair advised regarding appeal procedures.

Application B-009/05

1317435 Ontario Ltd.
c/o William Vanden Heuvel
Plan 9, Lot 10
Geographic Village of Watford
Township of Warwick

An application has been made with the intent to create two lots, each with a frontage of approximately 10.068m, a depth of 40.24m and 40.239m and an area of 405.15 square metres and 405.12 square metres respectively. The purpose of this application is to sever a semi-detached building along the common wall which is often done after construction to avoid encroachment issues.

The Official Plan for the Township of Warwick designates these lands "Residential" and they are zoned "Residential 1 (R1) Zone" in the Township of Warwick Zoning By-law 54 of 2000.

Both lots comply with the minimum requirements of the R1 Zone, which requires a minimum frontage of 10m, a front yard setback of 6m, and a rear yard setback of 7m.

Attending the meeting was the applicant's Solicitor, Janet Gibbons. Mrs. Gibbons stated that the deposited plan will be identical to the plan that was submitted with the application.

The Planner read the planning report and the Deputy-Secretary-Treasurer read other submissions received.

Bilton/Davidson: That Application B-009/05 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.

The Chair advised regarding appeal procedures.

Plan of Subdivision

Application C-01/2005

Part Lot Control
Glenview Estates
c/o Gary Ingram
Lots 1 - 7, RP 790
Town of Petrolia

An application has been made by Gary Ingram of Glenview Estates, the owner of Lots 1 - 7 Registered Plan 790 in the Town of Petrolia. The applicant requested that the Town of Petrolia pass a by-law lifting part-lot control for Registered Plan 790 in order to permit a reconfiguration of Lots 1 to 7. The reconfiguration will provide for semi-detached dwellings. A by-law lifting part-lot control, passed by the council of a local municipality, does not take effect until it is approved by the subdivision approval authority.

Mr. Ingram appeared after the decision was made.

Davidson/Bilton: That Land Division Committee recommend to the Secretary-Treasurer that Application C-01/2005 be approved.

Carried.

Adjournment

The Chair declared the meeting adjourned to meet again on September 14, 2005.

Time: 10:30 a.m.

Jim Foubister
Chair

Madeline Pauschenwein
Deputy-Secretary-Treasurer