

MINUTES
LAND DIVISION COMMITTEE

October 9, 2007

A meeting was held at the County Building at 9:00 a.m. on the above date.

Present

Chair B. MacDougall, Warden Jim Burns. Members: F. Foubister and G. Minielly. Also present were Deputy-Secretary-Treasurer M. Pauschenwein, Planners W. Nywening and F. Garardo, 9-1-1 Technician T. Dewsbury and Chief Building Official C. Nauta.

Absent

None.

Applications

Application B-004/07

Frances Hollingsworth
Plan 9, Lot 12, Lot 13
391 Victoria St., Watford
Township of Warwick

An application has been made to sever a lot into two equal portions. The existing 40.23m (132;) by 40.23m (132') lot would be severed into two equal portions. Each lot would have a frontage of 20.116m (66") on Victoria St. and a depth of 40.23m (132'). The severed lot would contain a garden shed which could be removed, while the retained lot would contain a single family dwelling.

The land is currently designated as "Residential Area" in the Township of Warwick Official Plan and is zoned "Residential R1" in the Zoning By-law. These designations are intended primarily for residential purposes with preferences being given to locating similar densities of development together. The proposed severance would not affect the current residential designation.

The retained lot would continue to be well in excess of the zoning requirements for lot frontage and area. The severed lot meets the minimum requirements of the Zoning By-law and would retain its residential zoning and could accommodate a single-family dwelling unit which would maintain the character of the local area.

Attending the meeting were the applicant Frances Hollingsworth and her daughter Pat Muxlow. Also attending was Marnie Limon, a neighbour, speaking in opposition to the severance.

Mrs. Hollingsworth said she was proposing to sever because she was tired of cutting all of the grass and she didn't need that much property.

Mrs. Limon has concerns regarding drainage problems. The construction of a building in the past caused flooding on their property and she doesn't want that to happen again. She also has concerns that her property would be devalued.

The Deputy-Secretary-Treasurer read submissions received and the Planner read his report. The Chair advised of appeal procedures.

Foubister/Burns: That Application B-004/07 be approved with conditions.

Carried.

Conditions:

1. That a copy of the deed and R.D. Plan or survey be submitted to the Secretary-Treasurer in digital format, if available, and properly georeferenced to the NAD83 UTM Zone 17 Coordinate System and also in a form suitable for registration.
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. The certificate of consent required by Section 53(42) of the Planning Act, shall be obtained within one year of the notice of decision of this consent. *The County will endeavour to send the applicant a reminder that the Provisional Consent is approaching its lapsing date. However, **each applicant is responsible for ensuring that the Provisional consent does not lapse.** If the Provisional Consent does lapse (meaning the deeds have not been stamped within one year of the notice of decision of the consent), a new application will be required. There is no provision in the Planning Act for extensions to Provisional Consents.*

Application B-005/07

Mary Joyce Podolinsky
Concession 9, East ¾ Lot 8 & South ½ Lot 9
6974 Rokeby Line & 7026 Rokeby Line
Township of Brooke-Alvinston

An application has been made to sever two farm properties with frontage on Little Ireland Road. Parcel # 1 would have a frontage of 380m (1246.7') and an area of 40.226 ha (99.5 acres). It contains a single-family dwelling and miscellaneous outbuildings. Parcel # 2 would have a frontage of 163m (534.7'), an irregular depth and an area of 63.5 ha (157 acres). There are no structures on Parcel # 2.

The lands are designated "Rural Area" in the Brooke-Alvinston Official Plan and also contain a "Significant Woodlot" designation on northerly portions of Parcel # 2. The

corresponding Zoning designations are “Agriculture (A1)” and “Environmental Protection –Woodlot (EP-WD)”.

The total holdings consist of two farms (6974 and 7026 Rokeby Line) inadvertently merged by being registered in the same name. The lots are being split in an east-west direction rather than the original north-south orientation because the intent of the application is to reduce the size of the farm on which the applicant’s house is located to approximately the minimum farm size permitted.

Attending the meeting were Lorne Brakevelt, speaking on behalf of his daughter Mary Joyce Podolinsky and Les Douglas of 6774 Shiloh Line.

The Deputy-Secretary Treasurer read submissions received. The Planner read his report.

Mr. Brakevelt stated that the application as presented meets all criteria and should present no problem by putting the frontages of both properties on Little Ireland Road.

Mr. Douglas spoke in opposition to the application. He stated that the severance goes against how the whole township was surveyed and set up. The lots were set up in a north/south fashion to facilitate drainage. There are many drainage issues that would be a concern in the future because of the fact that municipal drains run through the said severance and outlets are on the other property. The whole water drainage assessments on the said lands would have to be re-evaluated at an expense to the other taxpayers.

The Planner read information from the Township’s drainage superintendent which stated that the situation of private field drainage crossing property lines (i.e. one field’s private tiles reaching a municipal drain via another field’s private tiles) is more than common. When a break occurs in a tile of a downstream field, the affected field owners typically come to a private agreement for its repair. Such a break would typically affect the drainage in the downstream field also making it in the best interest of both parties to have it fixed. Inability to come to an agreement on such a repair is usually the result of existing poor relations between neighbours, not a cause, in the opinion of the superintendent. The superintendent suggests that the applicant be required to register an agreement on title that outlines who will be responsible for future tile maintenance.

J. Foubister queried if there was only one residence on the two properties and was told by Mr. Brakevelt that there is only one residence.

Minielly/Burns: That Application B-005/07 be approved with conditions.

Carried.

1. That a copy of the deed and R.D. Plan or survey be submitted to the Secretary-Treasurer in digital format, if available, and properly georeferenced to the NAD83 UTM Zone 17 Coordinate System and also in a form suitable for registration.

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. The certificate of consent required by Section 53(42) of the Planning Act, shall be obtained within one year of the notice of decision of this consent. *The County will endeavour to send the applicant a reminder that the Provisional Consent is approaching its lapsing date. However, **each applicant is responsible for ensuring that the Provisional consent does not lapse.** If the Provisional Consent does lapse (meaning the deeds have not been stamped within one year of the notice of decision of the consent), a new application will be required. There is no provision in the Planning Act for extensions to Provisional Consents.*
4. That the applicant enter into an agreement with the Township of Brooke-Alvinston for the apportionment of drainage assessments on the involved properties.
5. That the applicant is responsible for the cost to the Township of Brooke-Alvinston of providing and installing an access culvert on the severed (and/or retained) portion.
6. That an agreement detailing future field tile maintenance responsibilities between the two properties be prepared and registered on title to both proposed lots.

Application B-006/07

Arthur Griffiths Farms Ltd.
Concession 10, West ½ Lot 5
6645 Petrolia Line
Township of Brooke-Alvinston

An Application has been made to sever a 0.45 ha (1.1 acre) lot with 210' frontage and containing a dwelling and drive shed. The retained farm lot would be 98.9 acres (40 ha). The purpose of the severance is to dispose of a surplus farm dwelling.

The lands are designed "Rural Area" in the Brooke-Alvinston Official Plan and "Agriculture (A1)" in the Zoning By-law. The Official Plan allows the severance of surplus farm dwellings subject to additional criteria. The applicant owns multiple properties with houses and this house is surplus to the farming operation.

Attending the meeting was Mr. Arthur Griffith, owner of the subject property. Mr. Griffith explained that this is one of the farms that he purchased 3 or 4 years ago. It is in decent shape with all new windows. It is a brick farmhouse with a nice interior. In his opinion it should be kept and not torn down.

The Deputy-Secretary-Treasurer read submissions received and the Planner read his report which stated that there are concerns regarding barn setbacks. There are grain

bins which would be located on the retained agricultural portion. The planning report goes into great detail regarding the MDS (Minimum Distance Separation) but states that a minor variance would have to be required as a condition of any approval as the Township requires a minimum setback from livestock facilities of 300m. The proposed residential lot meets the provincial MDS for the actual capacity of the barns (ignoring hectares), but the province requires us to look at the potential to expand by considering the amount of land available to take manure. In the opinion of the Planner, the presence of this house does not impact the ability of these operations to reasonably expand.

The Septic Report states that the subject property is dominantly clay soils and that the lot size should be increased to 2 acres.

J. Burns asked if the lot size had to be increased. The Chief Building Official stated that if an engineer's report was obtained supporting a smaller lot size then the lot size would not have to be increased to 2 acres. The septic installer has confirmed that the system has no signs of failure to date.

Foubister/Burns: That Application B-006/07 be approved with conditions:

Carried.

Conditions:

1. That a copy of the deed and R.D. Plan or survey be submitted to the Secretary-Treasurer in digital format, if available, and properly georeferenced to the NAD83 UTM Zone 17 Coordinate System and also in a form suitable for registration.
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. The certificate of consent required by Section 53(42) of the Planning Act, shall be obtained within one year of the notice of decision of this consent. *The County will endeavour to send the applicant a reminder that the Provisional Consent is approaching its lapsing date. However, **each applicant is responsible for ensuring that the Provisional consent does not lapse. If the Provisional Consent does lapse (meaning the deeds have not been stamped within one year of the notice of decision of the consent), a new application will be required. There is no provision in the Planning Act for extensions to Provisional Consents.***
4. That the applicant enter into an agreement with the Township of Brooke-Alvinston for the apportionment of drainage assessments on the involved properties.
5. That an entrance be installed on the retained farm parcel in accordance with the requirements of a permit from the County of Lambton Public Works Department.

6. That a minor variance or rezoning be obtained for minimum distance separation.
7. That the retained farm parcel be rezoned to prohibit a dwelling.
8. That the grain bins be removed **OR** a fence or cedar hedge be provided along a portion of the rear lot line of the residential lot to screen the house from any activities associated with the grain bins.
9. That the lot size be increased to .8ha (2 acres) **OR** an engineer's report be obtained supporting a smaller lot size.
10. That the applicant satisfies the County of Lambton Private Sewage Coordinator with the following
 - a) a site diagram be provided showing the location of the current septic system as well as demonstrate, by site plan, a 50 square metre contingency area that is located in native, undisturbed soils and "reserved" for a future septic system;
 - b) that a "Notice of Advisory" be registered on title reflecting the 50 square metre contingency area located, to the satisfaction of the Private Sewage System Coordinator, in native, undisturbed soils and "reserved" for any future septic system and that both be registered on title and included in all agreements of purchase or sale or lease of this property.

Adjournment

The Chair declared the meeting adjourned.

Time: 10:30 a.m.

Bev MacDougall
Chair

Madeline Pauschenwein
Deputy-Secretary-Treasurer