

MINUTES
LAND DIVISION COMMITTEE

November 13, 2007

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

Present

Chair B. MacDougall. Members G. Minielly and J. Foubister. Also present were Deputy-Secretary-Treasurer T. Dewsbury, Planners E. Nadalin and W. Nywening.

Absent

Warden J. Burns.

Applications

Application A-003/07

Betty Ann Wosley

Application B-007/07

6421 Oil Springs Line

E ¼ Lot 2, W ½ Lot 3, Concession 2

Township of Brooke-Alvinston

An application has been made to vary the Minimum Farm Lot Area of 38 hectares to allow a Minimum Farm Lot Area of 20.63 ha (51 acres). This is concurrent with severance application B-007/07 which is requesting to sever a 40.06 ha (99 acres) agricultural parcel.

The land is currently designated "Rural Area" in the Township of Brooke-Alvinston Official Plan with a "Significant Woodlot" designation on the southerly portion. The corresponding zoning designations are "Agriculture (A1)" and "Environmental Protection – Woodlot (EP-WD)".

The severed lot would confirm to Official Plan and Zoning By-law minimum lot requirements. The retained parcel would be 20.63 ha (51 acres) and would contain the existing the horse barn and residence. The severed lot will be a 40.06 ha (99 acres) parcel with no buildings. Minimum distance separation is not applied in this application.

Attending the meeting were the applicant Betty Ann Wosley and her brother Ken Munro. Also attending was Carl Martin, a neighbour, speaking in favour to both applications. Mrs. Wosley explained her applications to the committee and indicated that a prior severance application has been submitted and approved by the Land Division Committee in 1995 but the deeds were never finalized. It is her desire to have the farm divided into two parcels.

The Planner read his report and the Deputy-Secretary-Treasurer read the submission received.

Foubister/Minielly: That Application A-003/07 be approved with conditions.

Carried.

The Chair advised of appeal procedures.

Conditions:

1. That the variance applies only to the proposal as presented in application A-003/07. Any change to that proposal will require further permission from the County.
2. That the variance applies only to the retained farm containing the house and outbuildings.

Minielly/Foubister: That Application B-007/07 be approved with conditions.

Carried.

The Chair advised of appeal procedures.

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 enters 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 upgrading or providing and installing an access culvert on the severed portion, if the Township Road Superintendent is not satisfied with the condition of existing entrances.

Application B-008/07

Bill & Shirley Phair
134 Robinson Road
NW ¼ Part Lot 11 & SW Part Lot 12, Con 4
Township of Dawn-Euphemia

An application has been made to sever a surplus dwelling. The proposed irregular shaped severed lot will have a frontage of 93.5m (306.7'), a depth of 115 m (377') and an area of 1.12 ha (2.78 acres). The severed portion would contain the dwelling, three barns and an accessory storage building. The retained agricultural portion would have an area of 26.38 ha (65.2 acres).

The land is currently designated "Agriculture" in the Township of Dawn-Euphemia Official Plan and is zoned "Agricultural (A1)" in the Township of Dawn-Euphemia Zoning By-law.

The applicants have purchased the farm to add to their other farm holdings. The proponent is a bona-fide farm operator and maintains a residence on one of their farm parcels. This home is therefore surplus to their needs. The proposed retained lot is undersized in accordance with the Official Plan and Zoning By-law prior to the application.

Attending the meeting were the applicants, Mr. & Mrs. Phair and their daughter Jennifer Wallace. Mr. Phair explained the application to the committee, including the revised drawing that was completed after discussion with the planner.

The Planner read his report and the Deputy-Secretary-Treasurer read the submission received. Discussion took place regarding future laneway access.

Minielly/Foubister: That Application B-008/07 be approved with conditions.

Carried.

The Chair advised of appeal procedures.

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 enters 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 or retained portion does not have an access culvert after the consent, then the applicants are responsible for the cost of the Township of Dawn-Euphemia providing such access.
6. That the applicant obtain a site specific Zoning By-law amendment to recognize a) the proposed undersized retained portion; b) the increased size of the severed parcel, and c) the rezoning of the proposed retained parcel prohibiting the erection of a new farm/residential dwelling (in perpetuity).
10. That the applicant satisfies the County of Lambton Private Sewage System 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: 10:10 a.m.

Bev MacDougall
Chair

Terrie Dewsbury
Deputy-Secretary-Treasurer