

COUNTY OF PERTH LAND DIVISION COMMITTEE

The County of Perth Land Division Committee met on Monday, April 18, 2011 at 9:30 a.m. in the Council Chamber at the County Court House, 1 Huron St., Stratford.

Present: Ian Forrest (Chair), Mert Schneider (Vice-Chair), Jim Aitcheson, Bill French, Rhonda Ehgoetz, Leslie Belland (Secretary-Treasurer), and Geoff VanderBaaren (Planning Representative).

No Declaration of Interest was stated.

**1. B02/11 Doris Hocking (Estate of William E. Hocking)
Lot 30, Concession 10, Part Lot 32 and 33, North Thames River
Concession, Fullarton Ward, Municipality of West Perth
(6152 Perth Line 20)**

To create a new lot by severing a vacant 77 acre agricultural parcel while retaining 232 acres with no buildings or structures. Existing easements on Lot 31 and 32 for persons and vehicle access, on Part Lot 32 for entry, construction, maintenance, inspection, alteration and repair of a water line and pumping system, and on Lot 30, Concession 10 for hydro purposes are to be retained.

Mrs. Hocking and her lawyer, Joan Krantz, were in attendance. Ms. Krantz presented the application noting that the current use of the severed portion is for cropping and it is to be sold to Mrs. Hocking's neighbor to expand his current operation. Geoff VanderBaaren commented that the application is straight forward and that a Zoning By-law Amendment is required to deal with the slightly undersized lot frontage.

Moved by Jim Aitcheson

Seconded by Bill French

That Application B02/11 be granted provisional consent subject to the following conditions:

1. Confirmation be received from a solicitor that the Certificate of the Official will be scanned and attached to the electronic registration of the Transfer.
2. The Committee being provided with a description that is consistent with the application and equal to that required for registration of a deed/transfer or other conveyance of interest in land under the provision of the Registry Act or Land Titles Act (2 copies of Registered Reference Plan required).
3. Confirmation be received from the Municipality of West Perth that all taxes have been paid in full.
4. Confirmation be received from the Municipality of West Perth that all financial requirements of the Municipality have been satisfied.
5. Confirmation be received from the Municipality of West Perth of an approved amendment to the Municipality's Zoning By-law to recognize the lot frontage of the parcel to be severed.

CARRIED.

2. B03/11 Alium Investments Limited
REVISED Part Lot 29 and 30, Concession 1, Elma Ward, Municipality of North Perth

To create a lot addition by severing a vacant 0.216 hectare commercial parcel to be added to the abutting Lot 2 on Registered Plan 430 owned by Ethel and Harold Darroch while retaining 24.449 hectares. (Please note that a revised application was submitted on March 31st, 2011 to reduce the area being retained from 25.871 hectares to 24.449 hectares, a reduction of 1.422 hectares).

Mr. Mark Eplett, representing Alium Investments Limited, was in attendance. He explained that this whole process started four years ago with an amendment to the Official Plan. The project had been put on hold due to the recession and Alium now wishes to proceed with and finalize the development. Geoff VanderBaaren commented that this application is the final step required to consolidate the parcels subject to the commercial development and that Planning has no concerns. Rhonda Ehgoetz questioned whether there is a roadway to gain access for further development. Mr. Eplett answered that there is.

Moved by Mert Schneider

Seconded by Bill French

That Application B03/11(Revised) be granted provisional consent subject to the following conditions:

1. Confirmation be received from a solicitor that the Certificate of the Official will be scanned and attached to the electronic registration of the Transfer.
2. The Committee being provided with a description that is consistent with the application and equal to that required for registration of a deed/transfer or other conveyance of interest in land under the provision of the Registry Act or Land Titles Act (2 copies of Registered Reference Plan required).
3. A solicitor's undertaking shall be received which shall be to the effect that, at the time of registration of the transfer to which the certificate under Section 53(42) of the Planning Act, 1990 is affixed, the name(s) of the owner(s) of the abutting lands to which the parcels are being joined, are the same as the transferee(s) in the said transfers.
4. That the area being severed be added to the abutting lot owned by Ethel and Harold Darroch and that Section 50(3) or (5) of the Planning Act, 1990 shall apply to any subsequent conveyance or transaction of the severed parcel and the Certificate under Section 53(42) shall contain reference to this stipulation.
5. Confirmation be received from a solicitor that the resultant lot (severed lands and the land to which it is being added) will be encumbered by any mortgage(s) as one lot at the time of registration of transfer or that there are no outstanding mortgages/encumbrances on the lands to which the severed lands are being added.
6. An undertaking from a solicitor that the parcels will be consolidated under Land Titles onto one P.I.N.

7. Confirmation be received from the Municipality of North Perth that all financial requirements have been met (if any).
8. Confirmation be received from the Perth County Public Works Department that the road widening to bring the County road allowance to 50 feet from the centerline on both the severed and retained land has been conveyed. **CARRIED.**

**3. B27/10 George and Marjorie Johnston
Lot 30, Concession 3, Elma Ward, Municipality of North Perth
(7768 Perth Road 147)**

To create a new lot by severing a 28,500 square foot parcel for residential purposes, while retaining 95.466 acres with an existing single family dwelling, two barns and a shed, subject to a 40' x 300' right-of-way.

George and Marjorie Johnston were in attendance. Mr. Johnston commented on the the Maitland Valley Conservation Authority's requirement for flood elevation of the watercourse on the property to be determined prior to development on the lots to ensure new development is not subject to flooding. He felt that this is an unnecessary requirement given that the subject property has the highest elevation in the area. Geoff VanderBaaren gave some history of the prior severance of two lots in 1989 noting that the Township of Elma and George Johnston entered into an agreement at that time that stipulated that any future severance of the subject property would be by plan of subdivision. He said that removal of the remaining "Hamlet" designation on the Johnstons' remnant farm property, through an amendment to the Official Plan, will prevent any further development after the creation of the three proposed lots. Mr. VanderBaaren also commented on the MVCA's requirements noting that it may be a minor bit of work to satisfy the MVCA. Ian Forrest questioned whether the proposed revision to the Zoning By-law would be sufficient for the intended residential use. Geoff VanderBaaren commented that Planning had no concerns.

Moved by Mert Schneider

Seconded by Jim Aitcheson

That Application B27/10 be granted provisional consent subject to the following conditions:

1. Confirmation be received from a solicitor that the Certificate of the Official will be scanned and attached to the electronic registration of the Transfer.
2. The Committee being provided with a description that is consistent with the application and equal to that required for registration of a deed/transfer or other conveyance of interest in land under the provision of the Registry Act or Land Titles Act (2 copies of Registered Reference Plan required).
3. Confirmation be received from the County of Perth of an approved amendment to the Perth County Official Plan to remove the remaining "Hamlet" designation on the Johnstons' remnant farm property and to designate same as "Agriculture".
4. Confirmation be received from the Municipality of North Perth of an approved Zoning By-law Amendment to remove the "holding (h)" zone provision from the proposed residential lots and to change the zoning on the remnant farm property from the "HVR-(h)" to "Agricultural Zone (A)".

5. Confirmation be received from the Municipality of North Perth of the removal/release of the agreement between George Johnston and the Municipality of North Perth (formerly Elma Township) that is registered on the title of the subject farm property.
6. Confirmation be received from the Municipality of North Perth that all financial requirements have been met (if any).
7. An Undertaking from a solicitor that the Deeds for Consent Applications B27/10, B28/10, and B29/10 will be registered concurrently. **CARRIED.**

**4. B28/10 George and Marjorie Johnston
Lot 30, Concession 3, Elma Ward, Municipality of North Perth
(7768 Perth Road 147)**

To create a new lot by severing a 28,500 square foot parcel for residential purposes, while retaining 94.812 acres with an existing single family dwelling, two barns and a shed, subject to a 40' x 300' right-of-way.

Comments are the same as noted for B27/10 and B29/10.

Moved by Rhonda Ehgoetz

Seconded by Mert Schneider

That Application B28/10 be granted provisional consent subject to the following conditions:

1. Confirmation be received from a solicitor that the Certificate of the Official will be scanned and attached to the electronic registration of the Transfer.
2. The Committee being provided with a description that is consistent with the application and equal to that required for registration of a deed/transfer or other conveyance of interest in land under the provision of the Registry Act or Land Titles Act (2 copies of Registered Reference Plan required).
3. Confirmation be received from the County of Perth of an approved amendment to the Perth County Official Plan to remove the remaining "Hamlet" designation on the Johnstons' remnant farm property and to designate same as "Agriculture".
4. Confirmation be received from the Municipality of North Perth of an approved Zoning By-law Amendment to remove the "holding (h)" zone provision from the proposed residential lots and to change the zoning on the remnant farm property from the "HVR-(h)" to "Agricultural Zone (A)".
5. Confirmation be received from the Municipality of North Perth of the removal/release of the agreement between George Johnston and the Municipality of North Perth (formerly Elma Township) that is registered on the title of the subject farm property.
6. Confirmation be received from the Municipality of North Perth that all financial requirements have been met (if any).
7. An Undertaking from a solicitor that the Deeds for Consent Applications B27/10, B28/10, and B29/10 will be registered concurrently. **CARRIED.**

**5. B29/10 George and Marjorie Johnston
Lot 30, Concession 3, Elma Ward, Municipality of North Perth
(7769 Perth Road 147)**

To create a new lot by severing a 28,500 square foot parcel for residential purposes, while retaining 94.158 acres with an existing single family dwelling, two barns and a shed, subject to a 40' x 300' right-of-way.

Comments are the same as noted for B27/10 and B28/10.

Moved by Mert Schneider

Seconded by Jim Aitcheson

That Application B29/10 be granted provisional consent subject to the following conditions:

1. Confirmation be received from a solicitor that the Certificate of the Official will be scanned and attached to the electronic registration of the Transfer.
2. The Committee being provided with a description that is consistent with the application and equal to that required for registration of a deed/transfer or other conveyance of interest in land under the provision of the Registry Act or Land Titles Act (2 copies of Registered Reference Plan required).
3. Confirmation be received from the County of Perth of an approved amendment to the Perth County Official Plan to remove the remaining "Hamlet" designation on the Johnstons' remnant farm property and to designate same as "Agriculture".
4. Confirmation be received from the Municipality of North Perth of an approved Zoning By-law Amendment to remove the "holding (h)" zone provision from the proposed residential lots and to change the zoning on the remnant farm property from the "HVR-(h)" to "Agricultural Zone (A)".
5. Confirmation be received from the Municipality of North Perth of the removal/release of the agreement between George Johnston and the Municipality of North Perth (formerly Elma Township) that is registered on the title of the subject farm property.
6. Confirmation be received from the Municipality of North Perth that all financial requirements have been met (if any).
7. An Undertaking from a solicitor that the Deeds for Consent Applications B27/10, B28/10, and B29/10 will be registered concurrently. **CARRIED.**

**6. B04/11 Vernon and Marilyn Erb
Lot 8, Registered Plan 543, North Easthope Ward, Township of Perth
East (4010 North Hill Drive, Shakespeare)**

To create a new lot for residential purposes by severing a 543.1033 square metre parcel with an existing shed and gazebo while retaining a 996.4021 square metre parcel with an existing single detached dwelling.

Vernon and Marilyn Erb were in attendance. Vernon commented that a smaller home with a 2,400 sq. ft. building envelope will fit on the proposed 5,844 sq. ft. severed

portion quite sufficiently. Ian Forrest commented that the lot sizes in this subdivision were determined before the installation of sewers. He questioned whether neighbours in attendance at the prior meetings to consider an amendment to the Zoning By-law made any statements regarding their concerns. Geoff VanderBaaren commented that the process to look at changing the Zoning By-law and Official Plan took place in 2010 after the sanitary services went in. Prior to this, half acre lots were needed in the north-east corner of Shakespeare to accommodate septic systems. He felt that it would be more likely to get severance applications on the corner lots and that Planning would support these proposals. Murray and Charlotte McTavish, whose property abuts the proposed severed portion, were in attendance to speak against the application. Their concern is that a house, smaller than the minimum standard of the homes in this subdivision, could be built on the proposed smaller lot and that this would take away from the enjoyment of their yard and devalue their house and the homes in the neighbourhood. Marilyn Erb noted that there is a tiny bungalow on the other side of the McTavish's home. Ian Forrest asked if a minimum lot size, other than what the Zoning By-law specifies, could be imposed. Mr. VanderBaaren indicated that a condition could be imposed that the applicant enter into an agreement with the Township of Perth East that there be a minimum floor space, specifically in the 700 – 2,400 sq. ft. range. Mr. Forrest asked the McTavish's if that would be acceptable to them. Mr. McTavish replied that they are unhappy with the severance proposal and that a large house with no property wouldn't work either. Mert Schneider questioned whether a revised lot size was possible and suggested that perhaps the lot line could be moved to make the severed area larger. Mr. Erb questioned whether this would satisfy the neighbours. Mr. VanderBaaren commented that a larger severed area would allow for a larger house to be built and that there would be an increased setback. Marilyn Erb noted that they were advised by Planning that they only needed a 49 foot frontage but that their application proposed a 55 foot frontage. Rhonda Ehgoetz asked whether it would be reasonable to defer the application to allow the Erbs an opportunity to consult with Planning regarding their options for revising the lot line. Mr. McTavish was asked his opinion and he replied that changing the lot line would make the proposal more palatable than a proposal for a small lot and small house.

Moved by Rhonda Ehgoetz

Seconded by Jim Aitcheson

That Application B04/11 be deferred to allow the applicants time to consult with Planning regarding amending their application to revise the size of the proposed severed lot, and further that if a revised application is submitted, the Secretary-Treasurer complete a full circulation of the revised application. CARRIED.

7. **B05/11 Jack and Teresa Van Nes
 Lot 10, Concession 3 and 4, Downie Ward, Township of Perth South
 (4367 Perth Line 32)**

To create a new lot by severing a 100 acre agricultural parcel with an existing house, barn and shed, subject to an easement for hydro purposes while retaining a vacant 78.9 acre parcel, subject to a right-of-way for access to the one acre parcel which is surrounded by the retained portion.

Teresa Van Nes was in attendance. She commented that she and Jack do not know how it came about that the 20 acre parcel to the south of the retained portion is in her name only. Geoff VanderBaaren explained the situation to the Committee, noting that it doesn't appear that the 20 acre parcel in Teresa's name was a legal severance and that

if it were deeded in the same names as the retained portion, the issue would be solved. He advised of a letter from the Ministry of Natural Resources written on February 23, 1990 stating that the Avon River that runs through the subject property is considered to be navigable. Mr. VanderBaaren stated that a navigable waterway is considered to be a natural severance, and it may have been at the time the letter was written in 1990 that the 20 acre parcel was put into Teresa's name. Planning does not support this but has no concerns if the parcel is deeded in the same names as the retained portion. Bill French asked if there is anything to stop the Van Nes's from building a house on the retained portion and Mr. VanderBaaren replied that a house could be built on it.

Moved by Jim Aitcheson

Seconded by Bill French

That Application B05/11 be granted provisional consent subject to the following conditions:

1. Confirmation be received from a solicitor that the Certificate of the Official will be scanned and attached to the electronic registration of the Transfer.
2. The Committee being provided with a description that is consistent with the application and equal to that required for registration of a deed/transfer or other conveyance of interest in land under the provision of the Registry Act or Land Titles Act (2 copies of Registered Reference Plan required).
3. Confirmation be received from the Township of Perth South that all financial requirements have been met (if any).
4. The 20 acre parcel to the south being deeded in the same name as the retained parcel (Jack and Teresa Van Nes).
5. An Undertaking from a solicitor that the parcels will be consolidated under Land Titles onto one P.I.N. **CARRIED.**
8. **B06/11 William and Gertruda Rovers
Part Lot 25, West Mitchell Road Concession, Blanshard Ward,
Township of Perth South**

To create a lot addition by severing a 0.419 hectare agricultural parcel, upon which a pond has been established, to be added to abutting land owned by Annette and Gordon Sharp, while retaining 22.78 hectares of vacant agricultural land.

The applicant's lawyer, Mr. Ben Waghorn, was in attendance. He presented the application explaining that the corner of the subject land is severely sloped and rocky and not suitable for farming. Originally the applicants intended to sever the whole corner, but revised their application based on Planning's recommendation. He asked the Committee to accept the revision and consider it to be a minor change not requiring further circulation. Bill French questioned the location of the pond and Mr. Waghorn replied that a portion of the pond is on the retained portion but on the severely sloped and rocky area that cannot be farmed. He also stated that he has no concerns regarding the proposed conditions.

Moved by Jim Aitcheson

Seconded by Bill French

That Application B06/11 be granted provisional consent subject to the following conditions and further that the amended application fee be waived:

1. That Consent Application B06/11 by William and Gertruda Rovers be revised to reduce the amount of land area to be severed to approximately 0.5 acres (to incorporate the balance of the pond, and an amenity area).
2. Confirmation be received from a solicitor that the Certificate of the Official will be scanned and attached to the electronic registration of the Transfer.
3. The Committee being provided with a description that is consistent with the application and equal to that required for registration of a deed/transfer or other conveyance of interest in land under the provision of the Registry Act or Land Titles Act (2 copies of Registered Reference Plan required).
4. A solicitor's undertaking shall be received which shall be to the effect that, at the time of registration of the transfer to which the certificate under Section 53(42) of the Planning Act, 1990 is affixed, the name(s) of the owner(s) of the abutting lands to which the parcels are being joined, are the same as the transferee(s) in the said transfers.
5. That the area being severed be added to the abutting lot owned by Annette and Gordon Sharp and that Section 50(3) or (5) of the Planning Act, 1990 shall apply to any subsequent conveyance or transaction of the severed parcel and the Certificate under Section 53(42) shall contain reference to this stipulation.
6. Confirmation be received from a solicitor that the resultant lot (severed lands and the land to which it is being added) will be encumbered by any mortgage(s) as one lot at the time of registration of transfer or that there are no outstanding mortgages/encumbrances on the lands to which the severed lands are being added.
7. An Undertaking from a solicitor that the parcels will be consolidated under Land Titles onto one P.I.N.
8. Confirmation be received from the Township of Perth South of an approved Zoning By-law Amendment to place the severed land in the same zone as the lands to which it is being joined, as well as an amendment to the retained land to recognize the reduced lot area. **CARRIED.**

Adoption of Minutes:

Moved by Mert Schneider

Seconded by Rhonda Ehgoetz

That the Minutes of the February 14, 2011 LDC Meeting be accepted. Carried.

Business Arising from Minutes:

- a keynote speaker for the OACA 2011 Fall Seminar was discussed. The following names were suggested and Leslie will contact them regarding availability:
 - Peter Mansbridge/Lloyd Robertson, Eleanor Wood, and Des McAnuff
- Leslie reported that she was advised by the Perth County Clerk that it is only necessary for the Chair of the Land Division Committee to sign the meeting minutes.

Correspondence: None

Appeals from February 14, 2011 Decisions: None

New Business: None

New Files Since Last Meeting:

- B07/11 by DeKoning Bros. Inc. for an easement/right-of-way, Part Lot 9 and Lot 14, Registered Plan 159 and 161, Listowel Ward, Municipality of North Perth (185 Albert Avenue).
- B08/11 by Rashid Abdul for an easement/right-of-way, Part Lot 61 and Part Lot 44, Registered Plan 339, Mitchell Ward, Municipality of West Perth (76 and 78 Ontario Road).
- B09/11 by Rashid Abdul for an easement/right-of-way, Lot 61 and Lot 44, Registered Plan 339, Mitchell Ward, Municipality of West Perth (68 and 70 Ontario Road).

Pending Files:

- B16/08 and B17/08 by Olive Marie Henry for one new lot creation each, Part Lot 26, Concession 1, Ellice Ward, Township of Perth East (5014 Line 34). (At the request of the applicant, these applications are on hold until further notice.)
- B03/10 by Hugh Carey for a new lot creation, Lot 53, Registered Plan 363, Milverton Ward, Township of Perth East (11 Maple Street). (This application was deferred by the Land Division Committee on February 22 and April 14, 2010 pending Official Plan conformity and resolution of drainage issues by a drainage engineer and will need to be reheard by the Consent Granting Committee.)
- B16/10 by Bradley and Patricia Weber for a new lot creation, Lots 13, 14 and 15, Part Lots 12 and 16, Registered Plan 278, North Easthope Ward, Township of Perth East (2234 Line 34) (Shakespeare). (This application was deferred by the Land Division Committee on August 9, 2010 to allow the applicant time to facilitate discussion with the Ministry of Transportation and will need to be reheard by the Consent Granting Committee.)
- B22/10, B23/10 (Amended), and B24/10 (Amended) by Barbara Wildgust for one new lot creation each, Part Lot 20, Concession 6, Ellice Ward, Township of Perth East. (These applications were deferred by the Land Division Committee on September 20, 2010 and November 29, 2010 to allow further review of drainage issues and will need to be reheard by the Consent Granting Committee.)
- B01/11 by Kilberg Properties Inc. for a new lot creation, Part Lot 15, RCP 487, Wallace Ward, Municipality of North Perth (At the request of the applicant's lawyer, this application is on hold until further notice).

Next Meeting Date: Monday, June 13th. 9:30 a.m. start.

Moved by Mert Schneider

That the meeting be adjourned. Carried.

The meeting adjourned at 11:45 a.m.

Ian Forrest, Chairman