



COUNTY OF PERTH LAND DIVISION COMMITTEE

The County of Perth Land Division Committee met on Monday, March 25, 2012 at 9:30 a.m. in the Council Chamber at the County Court House, 1 Huron St., Stratford.

Committee Members Present:

Mert Schneider (Chair)
Ian Forrest
Bill French
Jim Aitcheson
Rhonda Ehgoetz

Staff Present:

Leslie Belland (Secretary-Treasurer)
Dave Hanly (Planning Representative)

1. CALL TO ORDER

With quorum present, Mert Schneider called the meeting to order at 9:30 a.m.

2. ADOPTION OF AGENDA

Moved by: Jim Aitcheson
Seconded by: Ian Forrest

THAT the Land Division Committee agenda for March 25, 2013 be approved. **Carried.**

3. DECLARATION OF PECUNIARY INTEREST

No Disclosure of Pecuniary Interest stated.

4. ADOPTION OF PREVIOUS MINUTES

Moved by: Bill French
Seconded by: Rhonda Ehgoetz

THAT the minutes of the February 11, 2013 Land Division Committee meeting be approved. **Carried.**

5. HEARING OF APPLICATIONS FOR CONSENT

5.1 File No.: B35/12

Name of Applicant: Dr. Robert ANNIS

Legal Description: Part Lot 22, Concession 1, Wallace Ward, Municipality of North Perth

Nature of the Application:

To create a lot addition by severing a vacant 1447.8 square metre residential parcel, being Part of Part 2 on 44R-4194, to be added to abutting property described as Parts 1 and 7 on

44R-4194 as in PC10529, and owned by Debra Louise Uptigrove, while retaining a 15408.07 square metre parcel, being Part 3 and Part of Part 2 on 44R-4194, with an existing house, subject to a right-of-way as in PC10529.

File No.: B36/12

Name of Applicant: Dr. Robert ANNIS and Debra UPTIGROVE

Legal Description: Part Lot 22, Concession 1, Wallace Ward, Municipality of North Perth

Nature of the Application:

To create a 1450 square metre right-of-way over Part 3 and Part 7 on 44R-4194 in favour of Part 4 on 44R-4194 to allow access to a storage shed at the back of the Loree property (Part 4 on 44R-4194).

File No.: B37/12

Name of Applicant: Dr. Robert ANNIS

Legal Description: Part Lot 22, Concession 1, Wallace Ward, Municipality of North Perth

Nature of the Application:

To create a new lot by severing a vacant 2,570.24 square metre residential parcel, being Part of Part 2 and the W1/2 of Part 3 on 44R-4194, while retaining 4593.59 square metres, being Part of Part 2 and the E1/2 of Part 3 on 44R-4194, and to create rights-of-way for access to Parts 1 and 7 on 44R-4194, and Part of Parts 2 and 3 on 44R-4194 (retained and severed parcels) as proposed to be created by B37/12. A single family dwelling is proposed for the retained portion.

The agent for the applicants, Mr. David Dickey, was in attendance. Also in attendance was Mr. Mark TarBush who was there to represent those who submitted letters of opposition to the proposals. Mr. Dickey began by explaining the purpose of the applications noting that density would be increased in this area. He commented that the area was originally to be subdivided but ended only in two lots. Regarding the concern of increased traffic in the area, he noted that there would be only one additional property owner and that he was not sure this would warrant concern over additional traffic. Regarding drainage concerns, he said that the North Perth PAC has dealt with these issues and that Council is to approve satisfactory lot drainage plans. He also noted that the use of these lots would not be changing. Dave Hanly commented that previous issues were raised when the two larger lots were created and that it was deemed appropriate to proceed with a mutual driveway and right-of-way at that time. He gave an example of a similar situation on property located on Hwy #86. He noted that there would be no change in the driveway surface except for a turn off to the new residence and that the addition of one lot is within a reasonable tolerance. He said it does create greater density, however he would not recommend further severance of lots and that the Committee should give consideration to imposing a condition to stipulate this. Regarding snow removal in the area, he said that the Municipality should ensure this issue is dealt with in the drainage plan. He suggested that the abutting property owners could be engaged in the process, but that is up to the Municipality. Mr. TarBush spoke on behalf of surrounding property owners Charles and Caroline Moss, David and Mary Moss, Catherine Bauman, and Joan King noting that there is a uniqueness to the properties in that they were VLA lands and because of their location. The houses were built ten years ago and were built to complement one another. He said that this is a classic "not in my backyard" situation and tantamount to a subdivision. He noted it is a quiet area with only destination traffic and that, in particular, the B37/12 proposal would negatively affect the enjoyment of these properties and that the owners do not want to lose the uniqueness of their properties. Committee member Bill French expressed concerns over garbage pick up on the right-of-way area. Mert Schneider said that garbage would have to be picked up on Alder Street, that he would have preferred a plan of subdivision for the area, and he questioned who would maintain the driveway. Rhonda Ehgoetz questioned the erection of the new house and how it got there and Dave Hanly noted that the MVCA gave a

permit for it. Dave Hanly suggested that the further subdivision of land not being allowed could be handled in the condition recommended by the Planning Department that confirmation be received that the right-of-way access to the subject lands is not a municipal road.

Moved by: Jim Aitcheson
Seconded by: Rhonda Ehgoetz

THAT Application B35/12 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. The Committee being provided with an electronic file containing the digital plotting of the description under the provision of the Registry Act or Land Titles Act, including the textual description of file format, map standards used, scale, and location information such as lot, concession and municipality in a geocoded Autocad.dxf format. Alternatively, the Committee being provided with an Order pursuant to Section 150 of the Land Titles Act, R.S.O. 1990 or Section 80 of the Land Registry Act, R.S.O. 1990 issued by a Land Registrar exempting the transfer from the requirement that a reference plan be deposited.
4. Confirmation be received by the Perth County Land Division Committee Secretary-Treasurer that the notice sign and sign frame posted on the subject property has been returned to the issuing Municipality within 30 days of the decision of the Land Division Committee. If the notice sign is not returned, confirmation must be received that a replacement sign fee of \$100.00 has been paid to the issuing Municipality prior to the final consent approval.
5. 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.
6. That the area being severed be added to the abutting lot described as Part Lot 22, Concession 1, Wallace Ward, Being Parts 1 and 7 on 44R-4194 as in PC10529, Municipality of North Perth, owned by Debra Louise Uptigrove, 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.
7. 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.
8. An undertaking from a solicitor that the parcels will be consolidated under Land Titles onto one P.I.N.

9. Confirmation be received from the Municipality of North Perth that all financial requirements of the Municipality have been satisfied (if any).
10. Confirmation be received of a revised lot grading plan having been submitted to, and approved by, the Municipality of North Perth for the enlarged parcel, and the retained parcel.
11. Confirmation from a solicitor that the existing right-of-way document has been amended and registered on title to include all of the benefiting properties (Annis, Uptigrove, Loree, and the newly created lot), to state that the mutual driveway right-of-way is not intended to be a municipal street, and to include appropriate provisions dealing with access, parking, and ongoing maintenance of the driveway and right-of-way. **Carried.**

Moved by: Ian Forrest
Seconded by: Jim Aitcheson

THAT Application B36/12 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. The Committee being provided with an electronic file containing the digital plotting of the description under the provision of the Registry Act or Land Titles Act, including the textual description of file format, map standards used, scale, and location information such as lot, concession and municipality in a geocoded Autocad.dxf format. Alternatively, the Committee being provided with an Order pursuant to Section 150 of the Land Titles Act, R.S.O. 1990 or Section 80 of the Land Registry Act, R.S.O. 1990 issued by a Land Registrar exempting the transfer from the requirement that a reference plan be deposited.
4. Confirmation be received by the Perth County Land Division Committee Secretary-Treasurer that the notice sign and sign frame posted on the subject property has been returned to the issuing Municipality within 30 days of the decision of the Land Division Committee. If the notice sign is not returned, confirmation must be received that a replacement sign fee of \$100.00 has been paid to the issuing Municipality prior to the final consent approval.
5. Confirmation from a solicitor that the existing right-of-way document has been amended and registered on title to include all of the benefiting properties (Annis, Uptigrove, Loree , and the newly created lot), to state that the mutual driveway right-of-way is not intended to be a municipal street, and to include appropriate provisions dealing with access, parking, and ongoing maintenance of the driveway and right-of-way. **Carried.**

Moved by: Ian Forrest
Seconded by: Rhonda Ehgoetz

THAT Application B37/12 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. The Committee being provided with an electronic file containing the digital plotting of the description under the provision of the Registry Act or Land Titles Act, including the textual description of file format, map standards used, scale, and location information such as lot, concession and municipality in a geocoded Autocad.dxf format. Alternatively, the Committee being provided with an Order pursuant to Section 150 of the Land Titles Act, R.S.O. 1990 or Section 80 of the Land Registry Act, R.S.O. 1990 issued by a Land Registrar exempting the transfer from the requirement that a reference plan be deposited.
4. Confirmation be received by the Perth County Land Division Committee Secretary-Treasurer that the notice sign and sign frame posted on the subject property has been returned to the issuing Municipality within 30 days of the decision of the Land Division Committee. If the notice sign is not returned, confirmation must be received that a replacement sign fee of \$100.00 has been paid to the issuing Municipality prior to the final consent approval.
5. Confirmation be received from the Municipality of North Perth that all financial requirements of the Municipality have been satisfied (if any).
6. Confirmation be received of a revised lot grading plan having been submitted to, and approved by, the Municipality of North Perth for the severed parcel, and the retained parcel.
7. Confirmation be received that the Municipality of North Perth's Zoning By-law has been amended to recognize the deficient lot frontage for both the severed parcel and retained parcel.
8. Confirmation be received from a solicitor hat the existing right-of-way document has been amended to include all of the parties to the right-of-way.
9. Confirmation from a solicitor that the existing right-of-way document has been amended and registered on title to include all of the benefiting properties (Annis, Uptigrove, Loree , and the newly created lot), to state that the mutual driveway right-of-way is not intended to be a municipal street, and to include appropriate provisions dealing with access, parking, and ongoing maintenance of the driveway and right-of-way. **Carried.**

5.2 File No.: B01/13

Name of Applicant: Roy and Margaret (Mardi) LICHTI

Legal Description: Part Lot 15, Concession 2, North Easthope Ward, Township of Perth East (4187 Road 106)

Nature of the Application:

To create a lot addition by severing a vacant 746.1 square metre agricultural parcel for residential purposes to be added to the abutting property described as Part Lot 15, Concession 2 owned by Sarah Lichti, while retaining 40 hectares with an existing house, two barns and sheds, subject to an easement for hydro purposes along the south limit of the retained lands.

The agent for the applicants, Mr. Trevor McNeil, was in attendance. Trevor explained the proposal noting that the existing house on the land to which the severed portion will be added, which is owned by Sarah Lichti, is in rough shape and needs to be torn down. In order to meet required setbacks for the erection of a new house, the lot addition is required. He said that the hog barn is too close to the existing lot to meet MDS requirements and that the second barn is not in use. Dave Hanly commented that this is a unique existing situation that doesn't meet MDS I or II distances. He said that the additional 48' being added to the Lichti property is not that significant and that acknowledgement on title to inform the proponents and all future owners that the lot is in close proximity to a livestock barn that will impact the said lot is appropriate. He further commented that approval is being recommended as both lots are existing and allows for replacement of an existing dwelling. Jim Aitcheson commented that taking agricultural land goes against the Official Plan and questioned whether this would set a dangerous precedent. In reply, Dave Hanly referred to Section 5.6.8 of the OP noting a number of criteria allowing this proposal. Trevor McNeil advised that a Zoning By-law Amendment was required to acknowledge the setback distance to the barn. Ian Forrest questioned whether the legal non-conforming status would be eliminated with the demolition of the house and noted that the ZBA needs to stipulate that the distance to the barn needs to be less than what is existing. Bill French questioned whether there would still be room for the septic system and Dave Hanly replied that it depended on the size and location of the new house and that the Building Code was flexible.

6. REPORTS

- 6.1 The March 25, 2013 report on new and pending applications was reviewed.

Moved by: Ian Forrest
Seconded by: Bill French

THAT the March 25, 2013 report on new and pending applications be received for information. **Carried.**

7. CORRESPONDECE

- 7.1 A Public Meeting Notice advising of a public meeting on April 18th regarding the need to revise the County of Perth Official Plan was received for information.

8. APPEALS

- 8.1 Leslie Belland advised the Committee that the March 6th and 7th OMB hearing regarding the appeal by James Martin concerning the County of Perth Land Division Committee's Decision on Consent Application No. B5/12 by W. Leon Perkin and Helen E. Perkin and related ZBA ended with a dismissal of both appeals.

9. OTHER BUSINESS - None

10. CLOSED MEETING – No Closed Meeting

11. REPORTING OUT FROM CLOSED MEETING – N/A

12. NEXT MEETING

Thursday, May 16, 2013.

13. ADJOURNMENT

Moved by: Ian Forrest

Seconded by: Bill French

THAT the meeting adjourn at 11:13 a.m. **Carried.**

Leslie Belland, Secretary-Treasurer

Meredith Schneider, Chairman

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