

Liz Buchanan

From: Ian C. Moyer [imoyer@rogers.com]
Sent: Tuesday, February 02, 2010 3:44 PM
To: planning@county.oxford.on.ca
Subject: RE: FILE ZON6-09-10 APPLICATION #B-47/09 Emailing: DOC100202-004.tif

Attachments: DOC100202-004.tif



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(266 KB)

Mr. Ron Versteegen
Development Planner
County of Oxford
P.O. Box 1614
21 Reeve Street
Woodstock, Ontario
N4S 7Y3

Mr. Versteegen:

Please find attached a copy of my reasons for my appeal for the consent of the severance of the Fortner Property. I will be submitting my appeal application to the County on February 8, 2010 with my cheque. I wanted to provide you with this information prior to the Public Meeting on February 8th so that you can include it as a written submission for that meeting.

Thank you,

Ian Moyer
11 Norsworthy Lane
Ingersoll, Ontario
N5C 4G5
Home Telephone # 519-485-5644
Work Telephone # 519-485-5801
Email imoyer@aol.com

The message is ready to be sent with the following file or link attachments:

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I wish to appeal the decision to allow the severance of a lot in regards to file #B-47/09 in consideration of the following:

- 1) The Notice of Application for Consent that was circulated indicated only a single severed lot, to cover an area of 53,460 sq. ft. The application that was approved included potential for 3 lots and an extension of Norsworthy Lane. This critical change in the application was not made public nor circulated to the affected neighbourhood to allow for input and consultation.
- 2) In the recommendation to this application it is stated in 4b that "A requirement to provide a detailed lot grading and drainage plan for the lot to be severed". If it is the desire of the Oxford County planning committee to allow for 3 lots and an extension of Norsworthy Lane then a full lot grading plan for all three lots and the extension of Norsworthy Lane should be a requirement for this severance application.
- 3) There is no consideration or recommendation made in regards to who will pay for the cost of the Norsworthy Lane extension. In a letter (attached) that I received from Mr. Ron Versteegan dated May 25th, 2001, Mr. Versteegan states that "In this regard the road would be constructed by the developers intending to develop the subject lands in the area according with the Town of Ingersoll's design specifications. In doing so, a cost sharing agreement may be required by the town to be entered into by all affected property owners who would be responsible for its costs on a proportionate basis".
An estimate of these costs should be made and a bond or reserve should be required as a condition of severance.
- 4) This same letter also states that "the Town has seen no definite routing plans for the road extension". If there is no definite routing plan for the Norsworthy Lane Extension, how is it that one is included in the report without any consultation from any of the adjoining properties. In fact this routing plan (Plate 4 – Norsworthy Lane extension) omits certain properties in the area which seems to be in opposition to the Provincial Policy Statement that is included on page #3 of the report.
- 5) The suggested lot size for further lot creation (Plate 4 – Norsworthy Lane Extension) is dramatically smaller than the lots that are directly to the North and West of the described lot (Part Lots 5, 6, and 227 Reg. Plan 279)
- 6) The approved consent could allow for a through street to David St. which would lead to more traffic as drivers would use it as a way to bypass the 4-way stop at King and Harris Street. Perhaps a cul-de-sac extension on Norsworthy Lane could be considered with another cul-de-sac coming in off David Street. This would be more in keeping with the Oxford Village layout of streets.
- 7) It should be noted that in the Agency Review of the application for consent "Public Works is opposed to the proposed severance as it is a poor utilization of land".

- 8) If the proposed Norsworthy Lane extension is developed then it will cause the destruction of 100 trees on the Moyer property. These are mature trees of an age of approximately 30 years and are of several varieties: maple, walnut, poplar, and pine. In the County of Oxford Plan, I have highlighted a couple of areas in regards to Environmental Resource Policies (attached). It would seem that the destruction of these trees would be in contrast to the current policies. In particular, the policy on Preservation of Trees: "Take a comprehensive approach to tree and woodland preservation within the County by incorporating a range of measures to maintain and, wherever possible, increase the amount of forest cover within the county".



The Corporation of the

COUNTY OF OXFORD

DEPARTMENT OF PUBLIC HEALTH AND PLANNING
Planning and Development

Phone: (519) 539-9800

Fax: (519) 537-3024

OUR FILE:

ZON 6-170

May 25, 2001

Mr. Ian Moyer
240 King Street East
Ingersoll, Ontario
N5C 1H
Dear Sir:

**RE: Proposed Rezoning Application
Part of Lot 227 Block 63, Reg. Plan 279
Town of Ingersoll**

Further to our telephone discussions of May 16, 2001, I wish to confirm the following matters in regards to the above reference application.

On May 4, 2001, you submitted a revised site plan, which indicated the intended location and orientation of the proposed single detached dwelling to be constructed on the subject property, which is to be circulated with the rezoning application.

Upon review of the site plan with Gene McLaren, Engineering Services Co-ordinator with the Town of Ingersoll, a number of concerns were raised. It was noted that it is the intent of the Town to have the cul-de-sac associated with Sjaarda & Maat Plan of subdivision (File No.: 32T-00006), which ends at the east limit of the subject lands extend along the southerly edge of your property and ultimately connect to David Street to the southwest. As a result, using the distance on the survey provided by you, we can assume that approximately 5.32 metres (17.47 ft.) along the southern limit of the subject lands running the entire length of the property will be required to be conveyed to the Town through the rezoning process in order to accommodate the extension of Noseworthy Street.

Further to this, it is noted that you have proposed to rezone the property to Residential Type 1 (R1) and the zoning requirements for the R1 zone category are as follows:

Lot Frontage: Minimum	15 m (49.21 ft.)
Lot Area: Minimum	450 m ² (4,843.9 sq. ft.)
Lot Depth: Minimum	30 m (98.4 ft.)
Lot Coverage: Maximum for all main and accessory buildings	35% of lot area
Front Yard: Minimum depth	6 m (19.7 ft.)
Rear Yard: Minimum depth	6 m (19.7 ft.)
Interior Side Yard: Minimum width	3 m (9.8 ft.) on one side 1.2 m (3.94 ft.) on the other side,

provided that where a garage or carport is attached to is within the main building or the lot is a corner lot, the minimum width of the interior side yard shall be 1.2 m (3.94 ft.)

Exterior Side Yard: Minimum width	6 m (19.7 ft.)
Landscaped Open Space: Minimum	30% of the lot area
Height of Building: Maximum	11 m (36.01 ft.)
Number of Single-Family Dwelling Houses Per Lot:	1 only

Considering that you are intending to rezone the subject property to accommodate a single -detached dwelling, it appears that the opportunity exists for the subject property and the dwelling to adhere to all of the listed zoning requirements. It should be noted that with the proposed extension of Noseworthy Street, the southern limit of the property would be considered as the front property boundary and that all structures would be required to be setback from this boundary a minimum of 6 metres (19.7 ft.). As such, the site plan should be revised to account for this requirement.

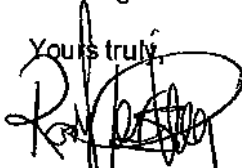
Additionally, I had suggested to you that the dwelling should be oriented in a north-south fashion in order that it would be oriented in the same fashion as the dwellings to be constructed to the east of the property and in all likelihood to the west of the subject lands. Again, the intent is to provide a consistent orientation of the dwellings along both sides of the future road for streetscape purposes. However, you had indicated the intention of orienting the dwelling towards the southeast to ensure sunlight in the rear yard.

You had also raised a question as to who would be responsible for the construction of the Noseworthy Street extension. In this regard, the road would be constructed by the developers intending to develop the subject lands in the area in accordance with the Town of Ingersoll's design specifications. In doing so, a cost sharing agreement may be required by the Town to be entered into by all the affected property owners who would be responsible for its costs on a proportionate basis. However, this matter may be premature considering that no other landowners have approached the Town with interest in developing their lands and the Town has seen no definite routing plans for the road extension.

At present your property does not have direct frontage onto an approved right-of-way, as the adjacent plan of subdivision is only draft approved. As a result, the proposed lots and road allowance in effect do not exist. Once the plan of subdivision is registered, then the cul-de-sac would be considered an approved right-of-way. Notwithstanding this matter, a portion of the 1-foot reserve at the end of the cul-de-sac would still need to be lifted by the Town of Ingersoll through a resolution passed by Town Council, (at your request) in order for you to have access from an approved right-of-way. You then questioned whether the Town would consider swapping the 1-foot reserve at the end of the adjacent cul-de-sac for the lands along the south limit of the subject property required for the future road extension. In this regard it is recommended that you contact Gene McLaren at the Town of Ingersoll to discuss whether or not the Town would consider this proposal.

I trust this information is of assistance. Should you have any further questions, please contact the undersigned.

Yours truly,



Ron Versteegen
County Planner

cc: T. Hunt - CEO, Town of Ingersoll
G. McLaren - Engineering Services Co-ordinator, Town of Ingersoll

- *Should the severance be approved, any future severances should only be allowed to occur west of the proposed residence location.*
- *\$265 cash-in-lieu of parkland is required as a part of the severance agreement. This is payable to the Town of Ingersoll. "*

The Oxford County Department of Public Works provided the following comments:

Public Works has reviewed the above noted consent and zoning applications and has the following comment:

- *"Public Works is opposed to the proposed severance as it is poor utilization of land.*
- *If the application is approved as proposed, the following conditions shall apply:*
 - *No building permit shall be issued until separate water and wastewater services are provided for each lot and payment of these services has been received by the County of Oxford Public Works Department. This condition can be cleared by payment for the required services or entering into an Agreement acceptable to the County.*
 - *Applicable Development Charges for Water/Wastewater shall be applied.*
 - *The applicant must provide a road widening to (15 m) 50 feet from centreline of road if not already existing, free and clear of liens, easements and other encumbrances.*
 - *The applicant must obtain an entrance permit for any new entrance or alteration of existing entrance. The County will determine the entrance location for the lot to be retained due to safety concerns"*

The Upper Thames River Conservation Authority offered the following comments:

"The Upper Thames River Conservation Authority (UTRCA) has reviewed the above noted application with regard for policies contained in the Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006). These policies include regulations made pursuant to Section 28 of the Conservation Authorities Act and are consistent with the natural hazard and natural heritage policies contained in the Provincial Policy Statement (2005). We have no objection.

The Town of Ingersoll Chief Building Official and Erie Thames Powerlines Corporation have indicated that they have no objections to or comments regarding the application.

(f) Planning Review

An application has been submitted to create a residential lot with frontage onto Norsworthy Lane within the Town of Ingersoll. The lot to be severed is approximately .5 ha (1.2 ac) in area, and is presently vacant while the lot to be retained is approximately .39 ha (1 ac) in area, and contains a single detached dwelling.

The applicant has also applied for a zone change to the Town of Ingersoll in order to permit the construction of a single detached dwelling on the subject property as well as establish the frontage of the subject property on Norsworthy Lane.

The subject property is designated 'Low Density Residential' within the Official Plan, which permits single detached residential dwelling units. It is Planning staff's opinion that an opportunity exists to accommodate additional low density development on the subject property, rather than the single dwelling proposed. As indicated previously in this report, the area is ideal for infill

R1-2

Moyer Property

R1-6

NORSWORTHY L

Proposed Lot to be Retained

Proposed Lot to be Severed

Norsworthy Lane Extension

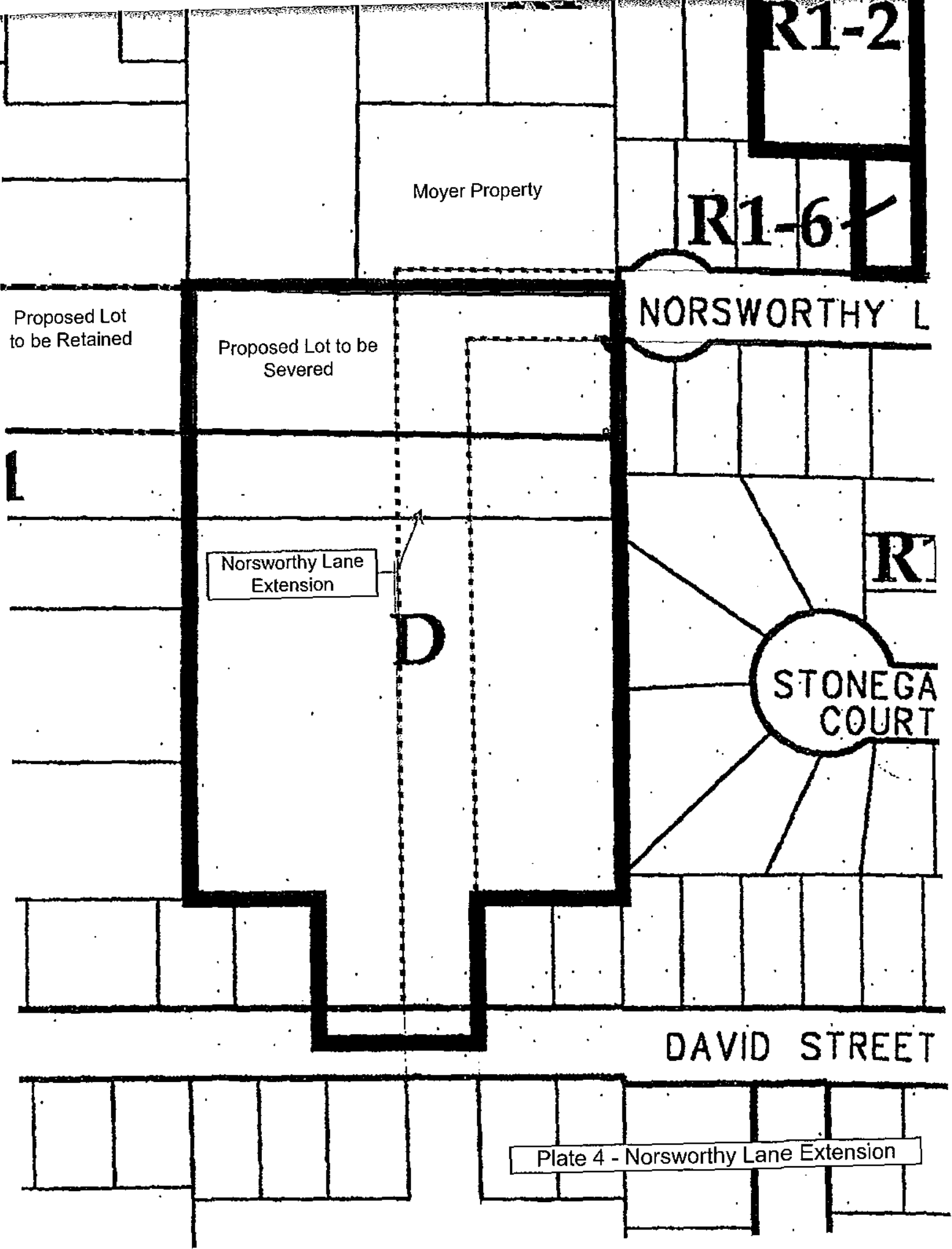
D

R1

STONEGA COURT

DAVID STREET

Plate 4 - Norsworthy Lane Extension



Considering the size of the lot to be created, Planning staff contend that additional residential development beyond one dwelling unit can be accommodated on the subject property. As can be seen on Plate 1, there is a temporary turning circle constructed at the westerly end of Norsworthy Lane, in anticipation that it will be extended into the subject property and then southerly to connect to David Street. A conceptual diagram showing this extension is shown on Plate 4. The extension of this street would facilitate the development of an infill subdivision on the subject lands and the lands to the south.

Section 9.2.4.1.3 – INFILL SUBDIVISION states that where infill development is proposed on vacant or underutilized sites within established residential areas by plan of subdivision, the nature of the proposed residential development will be evaluated having regard to the type of housing found in the surrounding residential neighbourhood. Any new residential lots with direct exposure to an established residential street will be consistent with the size of lots within a two block area on the same street and new residential development will maintain setbacks and spacing between dwellings consistent with the established built pattern.

It is evident from Plate 4 that up to four lots could be created on the lot to be severed by B-47/09, in addition to the extension of Norsworthy Lane. The lots on the west side of Norsworthy Lane would be deeper and could be wider than those on the east side of the street to allow for a more gradual transition relative to the much larger lots on Harris Street to the west. This type of configuration would satisfy the infill subdivision policies indicated above and will result in a much more efficient urban-level development for this area that approaches the minimum low density target of 15 units/ha (6 units/ac). The subdivision to the east in which Norsworthy Lane was developed, has a density of approximately 15.7 units/ha (6.5 units/ac.).

While this application (B-47/09) could be considered to be premature given the development potential of the area. Planning staff believe that through the use of consent conditions, the severance agreement and zoning restrictions, the lot can be created and one single detached dwelling can be constructed at this time without precluding future development.

Based on the above comments, it is Planning staff's opinion, the application for consent generally conforms with the policies of the Official Plan.

(d) Zoning By-Law

The parcel to be severed, is zoned 'Development (D)' in the Town of Ingersoll Zoning By-Law 04-4160. The applicant has submitted a zone change application to rezone the land to Residential Type 1 (R1) in order to permit the construction of a single detached dwelling on the subject property. As part of the rezoning application, the applicant is attempting to recognize the frontage at the end of Norsworthy Lane (14.6 m (48 ft.)), which does not exist at the present time due to the 1-foot reserve. The applicant has applied to the Town to lift this reserve; however, even then, the frontage will not meet the R1 minimum requirement of 15 m (49.2 ft.). The proposed lot meets the remainder of the R1 zone provisions. However, as previously indicated in this report, additional special provisions will be required in order to secure a location for the single detached dwelling that will not preclude future development and the extension of Norsworthy Lane as indicated on Plate 4.

The lot to be retained is zoned 'Residential Type 1 (R1)' in the Town of Ingersoll Zoning By-Law 04-4160. The lot to be retained meets the R1 zone provisions with respect to lot area, lot frontage and lot depth.

3.0 Natural and Cultural Resource Management Policies

3.2 Environmental Resource Policies

INTRODUCTION

Nearly two centuries of agricultural settlement and urban development have introduced environmental change to Oxford County that has been both significant and swift in ecological terms. During this period, forest cover has been reduced from 75 percent to 12 percent of the County land base, while 75 percent of the original *wetlands* have been drained. These changes have transformed the natural environment of Oxford County into a patchwork of progressively smaller and increasingly isolated natural area remnants. These changes are not particular to Oxford County, but are indicative of landscape change over this period throughout southwestern Ontario. These changes, while providing many economic benefits, have also served to demonstrate the value of *woodlands* and *wetlands* in maintaining a healthy environment and a desirable quality of life.

Environmental policies in this Plan not only recognize the value of remnant natural areas and provide for their basic protection but also build on the concept of a *Natural Heritage System* of linked natural areas through a series of corridors. The *Natural Heritage System* is considered an integral part of the social and economic systems in the County. The policies of this Plan promote *development* that, wherever possible will enhance, not deteriorate, the ecological and social systems on which people depend.

To achieve goals such as maintaining water quality, resource and energy conservation, natural areas preservation, and in order to create high quality living environments, the policies of this Section are intended to be applied to all land use decisions in the County of Oxford.

3.2.1 Strategic Approach

OVERVIEW

The County's strategic approach to environmental management is based on three major policy initiatives illustrated in Figure 4. The first initiative identifies the County's *Natural Heritage System*, consisting primarily of the Environmental Protection and Open Space designations. The incorporation of Natural Heritage objectives and

County of Oxford Official Plan

policies into the Official Plan provide a comprehensive, integrated perspective on the conservation of the natural environment in Oxford County.

The second initiative consists of general environmental resource protection policies that create opportunities for environmental enhancement and seek to minimize the adverse effects of *development*. Where possible, the policies seek to achieve a net improvement to environmental quality as a result of *development* and land use. These policies pertain to such resources as surface and ground water, soils, energy, *wildlife habitat* and natural features that may not be within the designated Environmental Protection or Open Space areas.

The third initiative focuses on environmental constraints and establishes policies to alleviate natural hazards to public health and safety. Environmental constraint areas of high risk are identified and appropriate *development* standards are established for those areas.

3.2.2 Goals for Environmental Resource Policies

**COMPREHENSIVE
GOAL**

County Council shall adopt a comprehensive, integrated approach to environmental management in order to protect the quality of the natural environment through the land use planning process. This approach shall consider the ways in which human and natural systems interact, and result in *development* which enhances the ecological and social systems on which humans depend.

SPECIFIC GOALS

**NET
ENVIRONMENTAL
GAIN**

County Council and the Area Councils will strive to:

Achieve *net environmental gain* through the protection and conservation of existing natural features, the maintenance of existing *ecological functions* and the creation of new environmental features, wherever possible.

**IDENTIFY AND
PROTECT
SIGNIFICANT
NATURAL AREAS**

Preserve and protect lands and water identified by the Province, County and Area Municipalities as *significant natural heritage features and areas* by designating such features as Environmental Protection Areas on the Land Use Schedules.

**DEVELOP THE
NATURAL
HERITAGE SYSTEM**

Ensure the viability of protected natural areas through the *development* of the *Natural Heritage System* by linking environmentally protected areas and open spaces via a series of natural or open space corridors.

County of Oxford Official Plan

ENCOURAGE NATURALIZATION AND MAINTENANCE OF ECOLOGICAL FUNCTIONS

Encourage naturalization or the re-establishment of native indigenous vegetation, self-sustaining ecological processes, and biodiversity throughout the *Natural Heritage System* in order to maintain *ecological functions*.

INTEGRATE WITH OTHER SYSTEMS

Integrate the *Natural Heritage System* with broader regional systems performing a similar function, such as through watershed planning.

GROUNDWATER PROTECTION

Identify wellhead protection areas for municipal wells and highly vulnerable aquifers and provide for the protection and conservation of groundwater resources to secure a long-term potable water supply for County residents and industry.

SURFACE WATER PROTECTION

Identify important *surface water features* and provide for the protection and conservation of surface water resources to secure long-term hydrologic stability and healthy aquatic habitat.

ENVIRONMENTAL IMPACT CONTROL

Ensure minimization or prevention of *negative impacts* on environmental features by prohibiting incompatible *development* and, where appropriate, requiring an Environmental Impact Study prior to *development* and implementing necessary mitigation measures as a condition of *development*.

PRESERVATION OF TREES

Take a comprehensive approach to tree and *woodland* preservation within the County by incorporating a range of measures to maintain and, wherever possible, increase the amount of forest cover within the County.

FACILITATE SAFE AND HEALTHY CONDITIONS

Facilitate a safe and healthy environment by identifying various environmental constraints applying land use restrictions or, where appropriate, requiring effective mitigating measures as a requirement of *development*.

ENERGY EFFICIENCY

Reduce the stresses placed on the environment by managing consumption of resources through energy efficient planning and design.

ENVIRONMENTAL MONITORING AND REPORTING

Establish a baseline measurement and report on the state of the County's environment based on representative indicators of the quality of the air, land, water and biotic components of the County ecosystem and periodically report on changes in environmental quality as measured by such indicators.