



The Corporation of the Township of Malahide
SPECIAL COUNCIL MEETING AGENDA
September 11, 2024 – 5:30p.m.

Springfield & Area Community Services Building – Council Chambers
51221 Ron McNeil Line, Springfield & via Zoom

- (A) Call to Order
- (B) Approval of the Agenda
- (C) Disclosure of Pecuniary Interest
- (D) Public Meetings & Committee of Adjustment
 - Minor Variance Application – Abe Giesbrecht - 10735 Hacienda Road
- (E) Confirmatory By-law
- (F) Adjournment

PLEASE NOTE that the draft resolutions provided below DO NOT represent decisions already made by the Council. They are simply intended for the convenience of the Council to expedite the transaction of Council business. Members of Council will choose whether or not to move the proposed draft motions and the Council may also choose to amend or defeat them during the course of the Council meeting.

1. That the September 11, 2024 Special Council Meeting Agenda be approved as presented.
2. THAT the Committee of Adjustment for the Township of Malahide be called to order at ____p.m. and that Mayor Dominique Giguère be appointed Chairperson for the “Committee of Adjustment”.
3. THAT Report No. DS-24-41 entitled “Minor Variance Application of Abe Giesbrecht relating to the property located at PART LOT 15, CONCESSION 8, PARTS 1& 2, (10735 Hacienda Road) be received;

AND THAT the Township of Malahide Committee of Adjustment approve Application No D13-MV-05-24 to permit the construction of an accessory structure, specifically a pump house, on the subject lands to support the current industrial development.

AND THAT the approval shall be subject to the following condition(s):

- 1) That the owner/applicant obtain the necessary Building Permit within 2 years from the date of decision to the satisfaction of the Chief Building Official, ensuring that the approved variance applies only to the proposed accessory structure as illustrated with the application; and,
 - 2) That the structure be constructed as per the details shown in the drawings as provided with the application (site location and architectural detail) to the satisfaction of the Chief Building Official.
4. THAT the Committee of Adjustment for the Township of Malahide be adjourned and the Council meeting reconvene at ____p.m.
 5. THAT By-law No.24-48, being a Confirmatory By-law, be given first, second and third readings, and be properly signed and sealed.
 6. RESOLVED THAT we do now adjourn at _____ p.m.



REPORT NO. DS-24-41

TO: Mayor & Members of Council
DEPARTMENT: Development Services
MEETING DATE: September 11, 2024
SUBJECT: **Minor Variance Application of Abe Giesbrecht relating to the property located at PART LOT 15, CONCESSION 8, PARTS 1 & 2, (10735 Hacienda Road)**

RECOMMENDATION:

THAT Report No. DS-24-41 entitled “Minor Variance Application of Abe Giesbrecht relating to the property located at PART LOT 15, CONCESSION 8, PARTS 1 & 2, (10735 Hacienda Road) be received;

AND THAT the Township of Malahide Committee of Adjustment approve Application No D13-MV-05-24 to permit the construction of an accessory structure, specifically a pump house, on the subject lands to support the current industrial development.

AND THAT the approval shall be subject to the following condition(s):

- 1) That the owner/applicant obtain the necessary Building Permit within 2 years from the date of decision to the satisfaction of the Chief Building Official, ensuring that the approved variance applies only to the proposed accessory structure as illustrated with the application; and,
- 2) That the structure be constructed as per the details shown in the drawings as provided with the application (site location and architectural detail) to the satisfaction of the Chief Building Official.

PURPOSE & BACKGROUND:

The Application seeks to construct an accessory structure, specifically a pump house, on the subject lands to support the current industrial development. The application would permit an accessory structure to be built in the front yard of the property, as well as permit the structure to be built a minimum of 5 metres from the front lot line, whereas the Zoning By-law requires a minimum distance of 15 metres.

Notice of Public Hearing was given in accordance with Planning Act regulations. Any comments received in response to the Notice of Public Hearing will be reported at the September 11th, 2024, hearing.

Township Planning Staff have reviewed and considered the merits of the Application against applicable Official Plan policies, the Township's adopted Zoning By-law, and all (if any) of the correspondence received as of the date of writing and recommends that the Committee of Adjustment approve Application No. D13-MV-05-24.

COMMENTS & ANALYSIS:

The subject property is approximately 3.89 hectares (9.61 acres) in area, has approximately 172.2 metres (565 ft) of frontage along Hacienda Road, and contains a 5,255 m² warehouse storage building that is currently under construction. The proposed development will utilize cisterns located between the proposed building and Hacienda Road for fire protection which requires a pump to service the building's fire suppression system. The owners are proposing to construct a 13.37 m² accessory structure to house the pump to ensure it operates in all seasons.

County of Elgin Official Plan

The subject property is designated "Agricultural Area" on Schedule 'A', Land Use Plan and is identified as having frontage along a "County Collector" on Schedule 'B', "Transportation Plan".

It is noted that, while the lands are shown as "Agriculture", the County Official Plan mapping is representative of the boundaries as delineated in local Official Plans and as a result, the local Official Plans should be consulted for accurate settlement boundaries. The subject lands are designated as "Specific Policy Area 10" within the Township's Official Plan.

Malahide Official Plan

The subject property is designated "Specific Policy Area 10" on Schedule 'A1' (Land Use Plan), which permits a range of agri-industrial uses which are to be more specifically defined within the Zoning By-law. Development on lands designated as a Specific Policy Area will be subject to Site Plan Control.

Malahide Zoning By-law No. 18-22

The subject property is within the "Rural Industrial – Site Specific (M2-4) Zone" on Key Map 36 of Schedule "A" to the Township's Zoning By-law No. 18-22.

The M2-4 zone permits a range of rural industrial uses including warehouse uses and associated accessory structures. Section 8.3.1 of the Zoning By-law contains specific provisions for accessory structures including:

8.3.1 Accessory Buildings and Structures

Accessory buildings and structures shall not:

- a) *be erected closer to the front line or a side lot line than the minimum distance required for the main building or structure on the lot;*

- b) be erected in the front yard or, in the case of a corner lot, in the exterior side yard;*

The minor variance application would permit the construction of an accessory structure between the main building on the property and the front lot line, whereas otherwise it would be prohibited to construct the building in that location. Additionally, it would permit a front yard of 5 metres for an accessory structure, whereas the Zoning By-law requires a minimum of 15 metres.

When reviewing an application for a minor variance, Section 45(1) of the Planning Act, R.S.O., 1990 requires that the Committee of Adjustment apply four specific tests. These tests, along with the Planner's comments concerning same as they relate to the requested variance, are as follows:

1. The variance maintains the general intent and purpose of the Official Plan.

The subject lands are designated as "Specific Policy Area 10" in the Official Plan which permits the current use, as well as any accessory structures that are associated with that use. Generally, the policies of the Official Plan seek to guide orderly and logical growth and development and are not specific so as to address details such as setback or lot coverage requirements. The minor variance maintains the general intent and purpose of the Official Plans.

2. The requested variance maintains the general intent and purpose of the By-law.

The intent of the accessory structure requirements of the Zoning By-law to prohibit accessory structures in the front yard is to ensure that accessory uses remain subordinate and accessory to the principal use on the property and to maintain a consistent building line and road frontage. The proposed accessory structure is 13.37 m² in size and is significantly smaller than the principal warehouse use on the property and would consume a minimal amount of area along the property's 177 metre frontage. The variance meets the general intent and purpose of the Zoning By-law.

3. The application is "minor" in nature.

Whether a variance is considered minor is evaluated upon the size and impact of the proposed variance from the Zoning By-law. The proposed structure would not introduce a new use on the subject lands and would be located a considerable distance from adjacent properties to ensure there would be no impacts on adjacent properties. The reduced setback of the accessory structure around the pump to service the fire suppression system is not anticipated to impact the roadway.

4. The proposed development is desirable for the appropriate development or use of the subject property.

The proposed variance would facilitate the construction of a structure that would ensure the effective operation of the main building's fire suppression system and would not impact the ability of the warehouse use and site to function. The location of the proposed accessory structure is desirable for the appropriate development and use of the subject property.

Typical conditions are recommended (building permit(s) issued within two years and in accordance with the drawings provided with the minor variance application).

FINANCIAL IMPLICATIONS:

The full cost of the minor variance process is at the expense of the Applicant and has no implications to the Township's Operating Budget.

LINK TO STRATEGIC & OPERATIONAL PLANS:

Priorities:	Unlock Responsible Growth
Tangible Results:	Policy Driven Decision Making

CONSULTATION:

Notice of Public Meeting was given in accordance with Planning Act regulations. As of the date of writing this report, the following has been received:

- There have been no comments received from the general public or agencies as of the date of writing this report.

ATTACHMENTS:

1. Report Photo;
2. Application Sketch; and
3. Comments Received to Date (if any)

Prepared by: E. Steele, MBPC, Consulting Planner for the Township

Reviewed by: J. McGuffin, MBPC, VP & Principal Planner

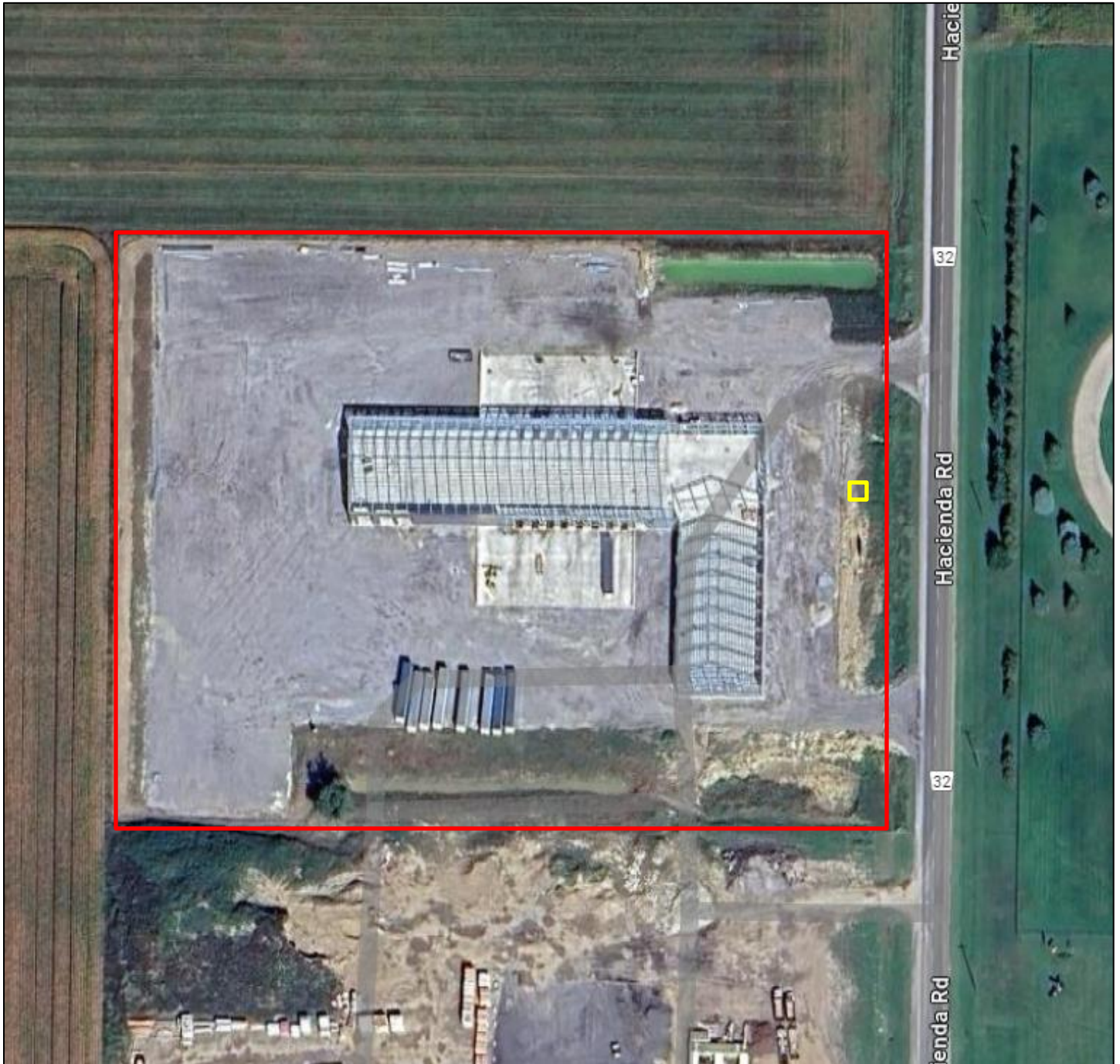
Approved by: N. Dias, Chief Administrative Officer

APPLICATION FOR A MINOR VARIANCE

Owner(s): Abe Hiebert

10735 Hacienda Road
PART LOT 15, CONCESSION 8, PARTS 1& 2
Township of Malahide

**Township
of Malahide
Figure 1**



OFFICIAL PLAN DESIGNATION
SPECIFIC POLICY AREA 10

ZONING
Rural Industrial – Site-Specific (M2-4)

1. DRAWINGS

- 1. THE NOTES ON THIS SHEET APPLY TO ALL WORKS UNDER THIS CONTRACT UNLESS OTHERWISE NOTED ON THE SPECIFIC DETAIL DWGS.
- 2. THE STANDARD DRAWINGS OF THE LOCAL MUNICIPALITY, ONTARIO PROVINCIAL STANDARDS AND SPECIFICATIONS (OPSS) AND THE ONTARIO PROVINCIAL STANDARD DRAWINGS (OPSD) CONSTITUTE PART OF THE PLANS OF THIS CONTRACT.
- 3. ORDER OF PRECEDENCE OF STANDARD DRAWINGS IS FIRSTLY THE LOCAL MUNICIPALITY AND SECONDLY ONTARIO PROVINCIAL STANDARD DRAWINGS.
- 4. THE STANDARD DRAWINGS INCLUDED WITH THESE PLANS ARE PROVIDED FOR CONVENIENCE ONLY AND ARE NOT TO BE CONSTRUED TO BE A COMPLETE SET FOR THE PURPOSE OF THE CONTRACT. IT IS THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN ALL RELEVANT STANDARD DRAWINGS AND SPECIFICATIONS AS REQUIRED FOR THIS CONTRACT.

2. MEASUREMENTS

- 1. ALL DIMENSIONS ARE IN METRES, EXCEPT PIPE DIAMETERS, WHICH ARE IN MILLIMETRES, UNLESS SPECIFIED OTHERWISE.
- 2. ALL DIMENSIONS SHALL BE CHECKED AND VERIFIED IN THE FIELD BY THE CONTRACTOR PRIOR TO ANY CONSTRUCTION, AND ANY DISCREPANCIES SHALL BE REPORTED IMMEDIATELY TO THE ENGINEER.

3. GENERAL

- 1. EXISTING SERVICES AND UTILITIES SHOWN ON THESE CONTRACT DRAWINGS ARE BASED ON THE BEST INFORMATION AVAILABLE AND THEIR LOCATIONS ARE NOT GUARANTEED. THE CONTRACTOR SHALL INTERPRET THIS INFORMATION AS THEY WISH WITH THE UNDERSTANDING THAT THE OWNER DISCLAIMS ALL RESPONSIBILITY FOR ITS ACCURACY AND/OR SUFFICIENCY. THE CONTRACTOR IS REQUIRED TO NOTIFY THE VARIOUS UTILITY COMPANIES 48 HOURS PRIOR TO THE COMMENCEMENT OF ANY WORK.
- 2. NATIVE MATERIAL, SUITABLE FOR BACKFILL, SHALL BE COMPACTED TO 95% STANDARD PROCTOR MAXIMUM DRY DENSITY.
- 3. GRANULAR MATERIAL, USED FOR BACKFILL, SHALL BE PLACED IN LAYERS 150mm IN DEPTH MAXIMUM AND COMPACTED TO 100% STANDARD PROCTOR MAXIMUM DRY DENSITY.
- 4. ALL DISTURBED AREAS ARE TO BE REINSTATED TO THEIR ORIGINAL CONDITION OR BETTER, AS DETERMINED BY THE ENGINEER. ALL GRASS AND VEGETATION COVERED AREAS SHALL BE RESTORED BY PLACING 200mm OF APPROVED TOPSOIL AND NURSERY SOD UNLESS NOTED OTHERWISE.

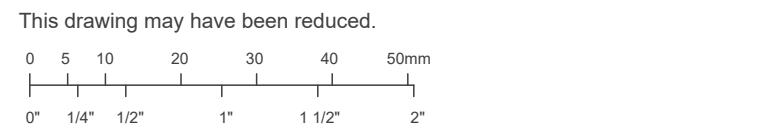


KEYPLAN N.T.S.

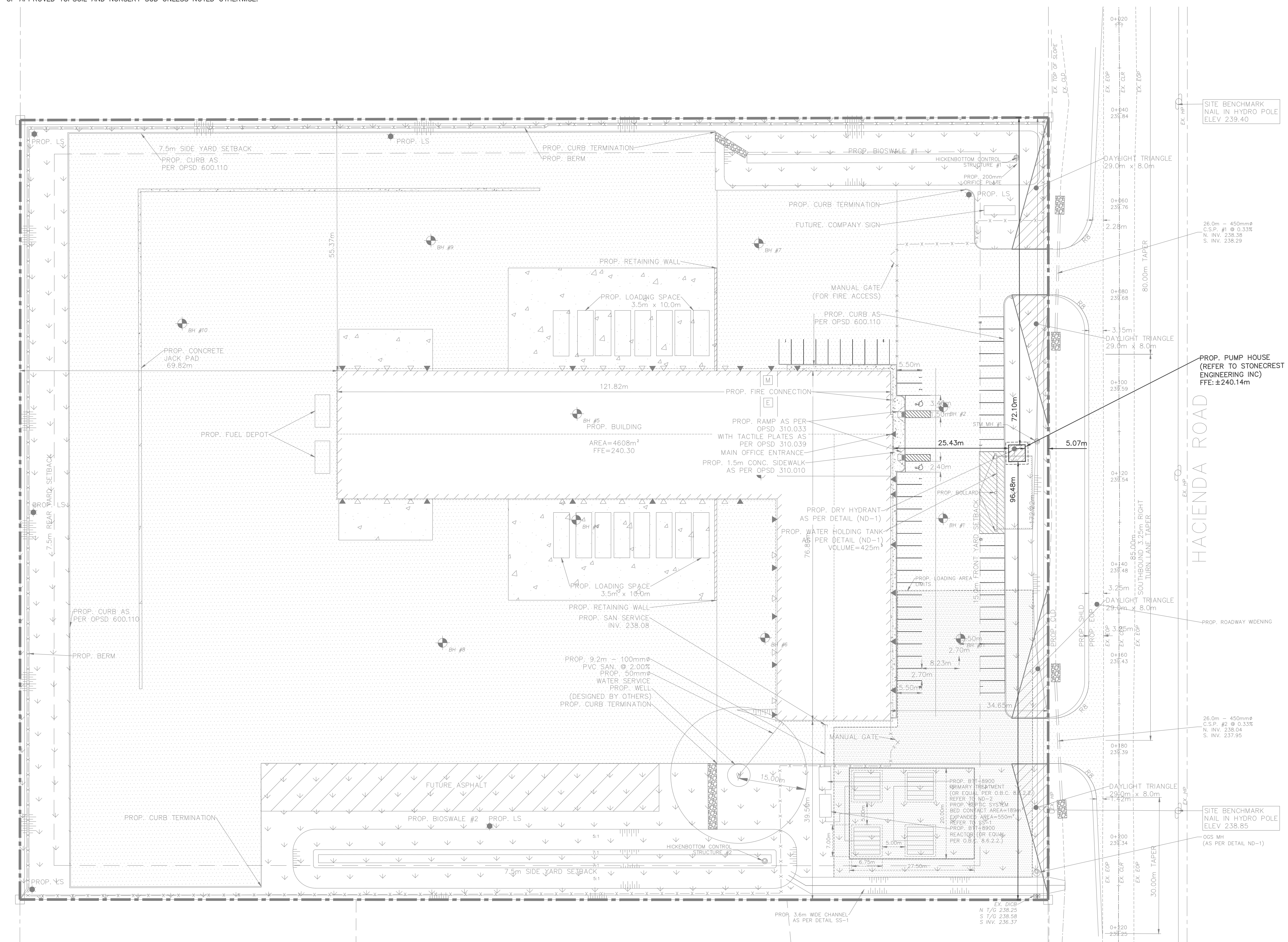
LEGEND

- PRIVACY FENCE
- ACOUSTIC FENCE
- CHAIN LINK FENCE
- SILT FENCE
- GAS LINE
- HYDRO LINE
- BELL LINE
- EXISTING SANITARY MAINTENANCE HOLE
- PROPOSED SANITARY MAINTENANCE HOLE
- EXISTING CATCH BASIN
- PROPOSED CATCH BASIN
- EXISTING STORM MAINTENANCE HOLE
- PROPOSED STORM MAINTENANCE HOLE
- SERVICE CAP
- EXISTING FIRE HYDRANT
- PROPOSED FIRE HYDRANT
- EXISTING VALVE BOX
- PROPOSED VALVE BOX
- PROPOSED SIGN
- EXISTING LIGHT POLE
- PROPOSED LIGHT POLE
- MANDOOR
- OVERHEAD DOOR
- FIRE DEPT CONNECTION
- LANDSCAPE AREA
- LIGHT DUTY ASPHALT AREA
- HEAVY DUTY ASPHALT AREA
- GRAVEL AREA
- CONCRETE AREA

This drawing has been created electronically.
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 Check and verify all dimensions and information on the drawings and report all errors or omissions to the Consultant before proceeding with the work.
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No.	Issuance Description	YYMMDD
1.	SITE PLAN APPROVAL	24/08/16
2.		



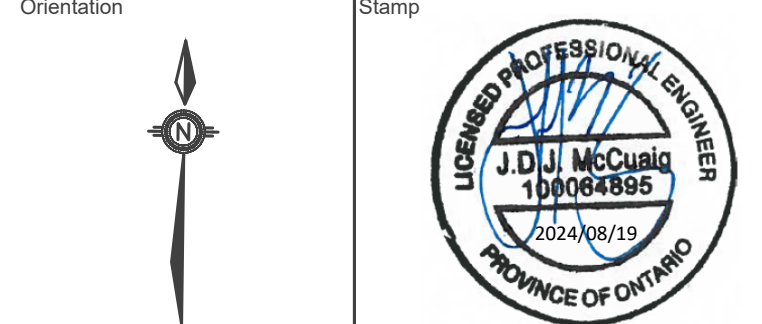
SITE PLAN APPROVAL



Client: BDR TRANSPORT
 10725 Hacienda Rd., Aylmer, ON N5H 2R3

GENERAL SERVICING PLAN

Project No. 2126-002 Designed by: KF Checked by: JDM
 Scale: 1:500 Drawn by: KF Approved by: JDM



Drawing No. GS-1

THE CORPORATION OF THE TOWNSHIP OF MALAHIDE

BY-LAW NO. 24-48

Being a By-law to adopt, confirm and ratify matters dealt with by resolution of the Township of Malahide.

WHEREAS Section 5(3) of the Municipal Act, 2001, c. 25, as amended, provides that the powers of every council are to be exercised by by-law;

AND WHEREAS in many cases, action which is taken or authorized to be taken by the Township of Malahide does not lend itself to the passage of an individual by-law;

AND WHEREAS it is deemed expedient that the proceedings of the Council of the Township of Malahide at this meeting be confirmed and adopted by by-law;

NOW THEREFORE the Council of The Corporation of the Township of Malahide **HEREBY ENACTS AS FOLLOWS:**

1. THAT the actions of the Council of the Township of Malahide, at its special meeting held on September 11, 2024 in respect of each motion, resolution and other action taken by the Council of the Township of Malahide at such meeting is, except where the prior approval of the Ontario Municipal Board or other authority is required by law, is hereby adopted, ratified and confirmed as if all such proceedings were expressly embodied in this By-law.
2. THAT the Mayor and the appropriate officials of the Township of Malahide are hereby authorized and directed to do all things necessary to give effect to the action of the Council of the Township of Malahide referred to in the proceeding section.
3. THAT the Mayor and the Clerk are hereby authorized and directed to execute all documents necessary in that behalf and to affix thereto the corporate seal of the Township of Malahide.
4. THAT this By-law shall come into force and take effect upon the final passing thereof.

READ a **FIRST** and **SECOND** time this 11th day of September, 2024.

READ a **THIRD** time and **FINALLY PASSED** this 11th day of September, 2024.

Mayor, D. Giguère

Clerk, A. Adams