



## The Corporation of the Township of Malahide

### A G E N D A

June 1, 2023 – 7:30 p.m.

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**Springfield & Area Community Services Building  
51221 Ron McNeil Line, Springfield**

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**\*\* Note:** At this time, seating capacity is limited and those individuals with matters pertaining to agenda items will be prioritized for in person attendance.  
The meeting is also streamed live on YouTube and available after for viewing.

- (A) Call Meeting to Order
- (B) Disclosure of Pecuniary Interest
- (C) Approval of Previous Minutes **RES 1 (Pages 7-19)**
- (D) Presentations/Delegations/Petitions
  - Public Hearing - Minor Variance Application – Owner Kevin & Thea Ostrosser, relating to property at PLAN 88 LOTS 18 TO 25 RP;11R3634 PART 2, municipally known as 11961 Omeme Street **RES 2-3 (Pages 20-34)**
  - Public Hearing - Minor Variance Application – Applicant/Agent David Roe c/o Civic Planning Solutions Inc. (owner James Stannard & Deborah Neill), relating to property at CON 11 PT LOT 11 RP 11R2617;PART 1, municipally known as 49801 Lyons Line **RES 4-5 (Pages 35-54)**
  - Public Meeting –Zoning By-law Amendment Application–Applicant/Agent Baribeau Construction London Ltd. (owner Mount Salem Community Church) relating to property CON 3 N PT LOT 21 AND RP;11R7073 PT PART 1, (6576 Springfield Road) **RES 6-8 (Pages 55-109)**

(E) Reports of Departments

- (i) Director of Fire & Emergency Services
- (ii) Director of Public Works
  - New Engineers Report – Pritchard Drain **RES 9 (Pages 110-112)**
  - Tender Results – GPS Survey Equipment **RES 10 (Pages 113-114)**
- (iii) Director of Corporate Services/Treasurer
- (iv) Clerk
- (v) Building/Planning/By-law
- (vi) CAO

(F) Reports of Committees/Outside Boards **RES 11**

- (i) East Elgin Community Complex Board of Management – Facility Condition Assessment Funding Request (**Page 115**)

(G) Correspondence **RES 12**

1. Association of Municipalities of Ontario - Watch File – dated May 18, 2023 and May 25, 2023 (**Pages 2-8**)
2. Elgin County – Bill 5 – Stopping Harassment and Abuse by Local Leaders (**Page 9**)
3. Elgin County – Council Highlights – May 23, 2023 (**Pages 10-12**)
4. Elgin County – Malahide Township request for Guard Rail on Imperial Road, Port Bruce (**Pages 13-17**)
5. Thames Valley District School Board - Thames Valley District School Board Attendance Review (**Page 18**)
6. Town of Fort Frances – Resolution in response to the opioid crisis (**Pages 19-20**)
7. Elgin Area Primary Water Supply System – June 1, 2023 Agenda & Meeting Package (**Page 21**)

(H) Other Business

(I) By-laws **RES 13**

- (i) By-law No. 23-16 - Giret Rezoning (**Page 116-117**)
- (ii) By-law No. 23-44 - Mount Salem Community Church (**Page 107-108**)

(J) Closed

(K) Confirmatory By-law **RES 14 (Page 118)**

(L) Adjournment **RES 15**

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*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.*

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1. THAT the minutes of the regular meeting of Council held on May 18, 2023 be adopted as printed and circulated.
2. THAT the Committee of Adjustment for the Township of Malahide be called to order at 7: \_\_p.m. and that Mayor Dominique Giguère be appointed Chairperson for the "Committee of Adjustment".
3. THAT Report No. DS-23-14 entitled "Minor Variance Application No. D13-MV-03-23 of Kavin Ostrosser" and affecting lands described as PLAN 88 LOTS 18 TO 25 RP;11R3634 PART 2 in the Township of Malahide (11961 Omemee Street) be received;

AND THAT the Township of Malahide Committee of Adjustment APPROVE Minor Variance Application No. D13-MV-03-23 to permit To permit an accessory structure with a maximum floor area of 292 m<sup>2</sup> where the By-law requires a maximum floor area of 120 m<sup>2</sup>;

AND THAT the approval shall be subject to the following conditions:

- 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 Report No. DS-23-15 entitled "Application No. D13-MV-05-23 of Deborah Neill & James Stannard" and affecting lands described as Part of Lot 11, Concession 11 in the Township of Malahide (49801 Lyons Line) be received;

AND THAT the Township of Malahide Committee of Adjustment APPROVE Application No. D13-MV-05-23 to permit an increase in the maximum floor area of an accessory building used for home occupation in a Rural Residential Zone.

5. THAT the Committee of Adjustment for the Township of Malahide be adjourned and the Council meeting reconvene at 7: \_\_p.m.



6. THAT the Public Meeting relating to Zoning By-law Amendment Application D14-Z06-23 of Baribeau Construction London Ltd. on behalf of Mount Salem Community Church, relating to the property located at CON 3 N PT LOT 21 AND RP;11R7073 PT PART 1, and known municipally as 6576 Springfield Road be called to order at 7:\_\_\_p.m

7. THAT the Public Meeting relating to Zoning By-law Amendment Application D14-Z06-23 of Baribeau Construction London Ltd. on behalf of Mount Salem Community Church, relating to the property located at CON 3 N PT LOT 21 AND RP;11R7073 PT PART 1, and known municipally as 6576 Springfield Road be called to order at 7:\_\_\_p.m

8. THAT Report No. DS-23-16 entitled “Zoning By-law Amendment Application of Mount Salem Community Church Baribeau Construction London Ltd.” be received;

AND THAT the Zoning By-law Amendment Application No. D14-Z06-23 of the Mount Salem Community Church, relating to the property located at Concession 3, North Part of Lot 21, and known municipally as 6576 Springfield Road, BE APPROVED for the reasons set out in this Report.

9. THAT Report No. PW-23-32 entitled “New Engineers Report – Pritchard Drain” be received;

AND THAT George Vereyken, P. Eng., of Spriet Associates, be appointed to prepare a new Engineer’s Report for this petition, pursuant to *Section 78 of the Drainage Act R.S.O. 1990.*

10. THAT Report No. PW-23-36 entitled “Tender Results – GPS Survey Equipment” be received;

AND THAT the bid received from Horizon Measurements of Oakville, Ontario in the amount of \$32,812.00 (plus applicable taxes), for the purchase of GPS survey equipment, be accepted.

11. THAT the letter regarding the Facility Condition Assessment EECC Funding be received for information;

THAT Township of Malahide Council approves the additional funding up to an amount of \$30,000 in total (\$15,000 from the Township of Malahide and Town of Aylmer respectively) to undertake a Facility Condition Assessment at 531 Talbot Street West.

12. THAT the following correspondence be noted and filed:

1. Association of Municipalities of Ontario - Watch File – dated May 18, 2023 and May 25, 2023 (**Pages 2-8**)

2. Elgin County – Bill 5 – Stopping Harassment and Abuse by Local Leaders (**Page 9**)

3. Elgin County – Council Highlights – May 23, 2023 (**Pages 10-12**)

4. Elgin County – Malahide Township request for Guard Rail on Imperial Road, Port Bruce **(Pages 13-17)**
  5. Thames Valley District School Board - Thames Valley District School Board Attendance Review **(Page 18)**
  6. Town of Fort Frances – Resolution in response to the opioid crisis **(Pages 19-20)**
  7. Elgin Area Primary Water Supply System – June 1, 2023 Agenda & Meeting Package **(Page 21)**
13. THAT the following by-laws be considered read a first, second and third reading and properly signed and sealed:
- (i) By-law No. 23-16 – Giret Rezoning
  - (ii) By-law No. 23-44 – Mount Salem Community Church
14. By-law No. 23-43, being a Confirmatory By-law, be given first, second and third readings, and be properly signed and sealed.
15. THAT the Council adjourn its meeting at \_\_\_\_\_ p.m. to meet again on June 15 2023, at 7:30 p.m.

**The Corporation of the Township of Malahide****May 18, 2023 – 7:30p.m.**Virtual Meeting - <https://youtu.be/HlfSwezifEc>

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The Malahide Township Council met at the Springfield & Area Community Services Building, at 51221 Ron McNeil Line, Springfield, at 7:30p.m. Seating capacity is limited and those individuals with matters pertaining to agenda items were prioritized for in person attendance. The following were present:

**Council:** Mayor D. Giguère, Deputy Mayor M. Widner, Councillor S. Leitch, Councillor J. Wilson, Councillor R. Cerna, Councillor S. Lewis, and Councillor C. Glinski.

**Staff:** Chief Administrative Officer A. Betteridge, Clerk A. Adams, Director of Finance A. Boylan, Director of Fire & Emergency Services J. Spoor, and Director of Public Works M. Sweetland.

**Via Zoom:**

**Absent:**

**Also Present:** Eric Steele – MBPC, John Spriet – Spriet & Associates, George Vereyken – Spriet & Associates, and Jacob Hanlan - FoodCylce Science

**CALL TO ORDER:**

Mayor Giguère took the Chair and called the meeting to order at 7:30p.m.

**DISCLOSURE OF PECUNIARY INTEREST and the General Nature thereof:**

Deputy Mayor Widner disclosed a pecuniary interest with respect to Council Agenda items D– Meeting to Consider - Sparta Line Drain 3&4 and Maginnis Drain. The nature of the conflict being that a Partner at Spriet Associates is an immediate relative of his.

**MINUTES:**

**No. 23-221**

**Moved By: John H. Wilson**

**Seconded By: Mark Widner**

**THAT the minutes of the regular meeting of Council held on May 4, 2023 be adopted as printed and circulated.**

**Carried**

**PRESENTATIONS/DELEGATIONS/PETITIONS:**

- Public Hearing - Minor Variance Application – Owner Donald & Cindy Sproul, relating to property at MALAHIDE CON 3 PT LOT 34 RP;11R9131 PART 1, municipally known as 53273 Calton Line

**No. 23-222**

**Moved By: Scott Lewis**

**Seconded By: Sarah Leitch**

**THAT the Committee of Adjustment for the Township of Malahide be called to order at 7:34 p.m. and that Mayor Dominique Giguère be appointed Chairperson for the “Committee of Adjustment”.**

**Carried**

Chair Giguère advised that the purpose of this Public Hearing is to consider an application for a Minor Variance submitted by Donald Sproul, relating to property at MALAHIDE CON 3 PT LOT 34 RP;11R9131 PART 1, municipally known as 53273 Calton Line

Chair Giguère requested that Eric Steele of Monteith Brown Planning Consultants (MBPC) provide an overview of the application.

Chair Giguère asked if any comments were received and the Clerk advised there were no comments received that haven't already been discussed.

Chair Giguère asked if any person in attendance wished to make any comments and there were none.

Chair Giguère asked if any Committee members wished to make any comments regarding the application. Councillor Wilson stated that the mapping provided does in fact indicate that the structure is minimally different.

**No. 23-223**

**Moved By: Scott Lewis**

**Seconded By: Chester Glinski**

**THAT Report No. DS-23-12 entitled “Application No. D13-MV-02-23 of Donald and Cindy Sproul” and affecting lands described as Part of Lot 34, Concession 3 in the Township of Malahide, and being 53273 Calton Line, be received;**

**AND THAT the Township of Malahide Committee of Adjustment APPROVE Application No. D13-MV-02-23 to permit an increase in the maximum floor area for an accessory structure;**

**AND THAT the approval shall be subject to the following conditions:**

- 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.**

**Carried**

**No. 23-224**

**Moved By: Scott Lewis**

**Seconded By: Sarah Leitch**

**THAT the Committee of Adjustment for the Township of Malahide be adjourned and the Council meeting reconvene at 7:42p.m.**

**Carried**

Deputy Mayor Widner disclosed a pecuniary interest with respect to Council Agenda items D– Meeting to Consider Sparta Line Drain 3&4 and Maginnis Drain. He retired from the meeting and abstained from all discussions and voting on the matter.

- Meeting to Consider – Sparta Line Municipal Drain No. 3 & 4, relating to parts of Lots 6 and 7, Concession 3, Township of Malahide

**No. 23-225**

**Moved By: Chester Glinski**

**Seconded By: Sarah Leitch**

**THAT the Engineer's Report for the Sparta Line Drain No. 3 and 4 be accepted;**

**AND THAT By-law No. 23-41 being a by-law to provide for the Sparta Line Drain No. 3 and 4 drainage works be read a first and second time and provisionally adopted.**

**Carried**

**No. 23-226**

**Moved By: Rick Cerna**

**Seconded By: Scott Lewis**

**THAT the Court of Revision for the Sparta Line Drain No. 3 and 4 be scheduled to be held on June 15, 2023, at 7:30 p.m.**

**Carried**

**No. 23-227**

**Moved By: Rick Cerna**

**Seconded By: Sarah Leitch**

**THAT the tenders for the construction of the Sparta Line Drain No. 3 and 4 be requested for June 8, 2023 at 11:00 a.m.**

**Carried**

- Meeting to Consider – Maginnis Drain 2023, relating to parts of Lots 20 to 22, Concession 3 and 4, Township of Malahide

George Martell, owner of 51174 Calton Line, sought clarification with respect to the mapping as well as the cost involved. Mr. Vereyken clarified that the meeting to consider is strictly about the consideration for the physical outline of the drain and the costs are addressed at the Court of Revision stage of the process. He also confirmed that if his property is part of the watershed and contributing water to it there is a cost involved.

Mr. Martell inquired if the drain is on the surface or underground with tile. Mr. Vereyken indicated it's both and clarified where the drain was going. Drainage Superintendent Mr. Lopez confirmed that Mr. Martell is on two drains and that his assessment is minimal.

Mr. Martell sought further clarification of the mapping that was provided for the drain. Mr. Vereyken provided some clarification but both he and Mr. Lopez stated they could set up an appointment to further review and discuss this at a later time. Mr. Martell agreed that this was required as he has continual water issues on his property.

Mayor Giguère inquired if there is a need to survey further. Director Sweetland stated that this isn't necessary as the extra cost would be borne on all of those assessed on the drain and there have been other stages to allow for input into the design for this meeting.

Mr. Martell again spoke about water issues he had on his property as he had sump pumps running constantly. Mr. Vereyken and Mr. Lopez both stated that if a current tile isn't working then he could submit an inspection request to the Township to see if it's functioning correctly. The drain he's referring to is quite old but without a maintenance request which results in costs to any landowner assessed on the drain, it remains status quo.

Mayor Giguère thanked Mr. Martell for his comments and recognized that the discussion is now leading into another issue separate of what is being considered tonight and a meeting could be scheduled with staff to further review this.

Grant Paterson, owner of 51156 Calton Line, indicated that he was confused when he received this information as he was under the impression when he purchased this property that the drainage work had been taken care of. He also thought these items were covered in property taxes. Mr. Lopez clarified that Municipal drains are not part of your property taxes but rather when a property is assessed on a drain you are a community of

landowners in the watershed and any maintenance done on the drain is invoiced separately.

**No. 23-228**

**Moved By: Sarah Leitch**

**Seconded By: Scott Lewis**

**THAT the Engineer's Report for the Maginnis Drain 2023 be accepted;**

**AND THAT By-law No. 23-40 being a by-law to provide for the Maginnis Drain 2023 drainage works be read a first and second time and provisionally adopted.**

**Carried**

**No. 23-229**

**Moved By: John H. Wilson**

**Seconded By: Rick Cerna**

**THAT the Court of Revision for the Maginnis Drain 2023 be scheduled to be held on June 15, 2023, at 7:30 p.m.**

**Carried**

**No. 23-230**

**Moved By: Rick Cerna**

**Seconded By: John H. Wilson**

**THAT the tenders for the construction of the Maginnis Drain 2023 be requested for June 8, 2023 at 11:00 a.m.**

**Carried**

Deputy Mayor Widner returned to his seat at the Council table.

- Presentation – Jabob Hanlan

Mr. Hanlan provided an overview of how the Foodcyler program achieves food waste diversion. Councillor Wilson noted that it checks a lot of the boxes but inquired how long the units last. Mr. Hanlan noted the small unit can last 5-7 years and the large unit from 7-10 years and there is a one-year warranty on the unit.

Mayor Giguère inquired if pilot projects have been done in rural municipalities. Mr. Hanlan indicated that rural areas have been involved and although there are other ways to divert waste, residents still participate as they haven't been exposed to this type of unit.

Councillor Wilson inquired if these units have an odour while they are mixing the product. Mr. Hanlan stated they have a carbon filter to prevent smell. A filter last 3-4months.

Mayor Giguère thanked Mr. Hanlan for his presentation and indicated this could be something reviewed as part of the strategic planning process and what residents are looking for in Malahide.

**No. 23-231**

**Moved By: Rick Cerna**

**Seconded By: John H. Wilson**

**THAT the presentation of Jacob Hanlan of FoodCycle Science be received.**

**Carried**

**REPORTS OF DEPARTMENTS:**

Director of Public Works

- Capital Programming Change of Scope

**No. 23-232**

**Moved By: Rick Cerna**

**Seconded By: Scott Lewis**

**THAT Report No. PW-23-28 entitled “Capital Programming Change of Scope” be received;**

**AND THAT Staff defer reconstruction of College Line from Springwater Road to Rogers Road and Chalet Line from Carter Road to East Limit to 2024, and proceed with reconstruction of College Line from Rogers Road to Imperial Road in 2023.**

**Carried**

- Copenhagen Park Landscaping

**No. 23-233**

**Moved By: Rick Cerna**

**Seconded By: Sarah Leitch**

**THAT Report No. PW-23-35 entitled “Copenhagen Park Landscaping” be received;**

**AND THAT Staff recommend Council adopt design option #2 for landscaping works at the Dixie Estates Stormwater Management Pond;**

**AND THAT Staff be directed to solicit quotations for the landscaping buildout.**

**Carried**



- Tender Award – Fleet Vehicles

**No. 23-234**

**Moved By: John H. Wilson**

**Seconded By: Mark Widner**

**THAT Report No. PW-23-33 entitled “Tender Award – Fleet Vehicles” be received;**

**AND THAT the bid received from Elgin Chrysler, of St. Thomas, Ontario, in the amount of \$99,588.00 (plus applicable taxes and licensing), for the purchase of two (2) new  $\frac{1}{2}$  - Ton Pickup Trucks be accepted;**

**AND THAT the bid received from Elgin Chrysler, of St. Thomas, Ontario, in the amount of \$67,105.00 (plus applicable taxes and licensing), for the purchase of one (1) new  $\frac{3}{4}$  -Ton Pickup Truck be accepted;**

**AND THAT the Mayor and Clerk be authorized to enter into an agreement with Elgin Chrysler, of St. Thomas, Ontario, for the supply of the above noted new  $\frac{1}{2}$  - Ton Pickup Trucks;**

**AND THAT the Mayor and Clerk be authorized to enter into an agreement with Elgin Chrysler, of St. Thomas, Ontario, for the supply of the above noted new  $\frac{3}{4}$  -Ton Pickup Truck.**

**Carried**

- Temperance Line 2023 Maintenance Reconsideration

Councillor Leitch confirmed that the option originally chosen is considerably less dusty than gravel and because compaction is quite firm it's midway between gravel and a tar and chip road. Director Sweetland stated this was correct and that overtime it will continue to compact.

Deputy Mayor Widner confirmed it would be packed after resulting in minimal dust.

Mayor Giguère inquired if there was a desire to reconsider this item.

Council Glinski inquired when would the recycled asphalt be covered with a hardtop surface. Director Sweetland noted that at the time of the bi-annual asset management review, if Council wishes, it can be added to the list for review for future capital projects.

**No. 23-235**

**Moved By: Rick Cerna**

**Seconded By: Mark Widner**

**THAT Report No. PW-23-34 entitled “Temperance Line 2023 Maintenance Reconsideration” be received.**

**Carried**

Director of Corporate Services/Treasurer

-2022 Tax Supported Budget Performance

**No. 23-236**

**Moved By: Sarah Leitch**

**Seconded By: John H. Wilson**

**THAT Report No. FIN 23-12 entitled “2022 Tax Supported Budget Performance” be received;**

**AND THAT the Township’s 2022 tax supported operating surplus of \$71,196 be transferred to the Capital Reserve;**

**AND THAT the Township’s 2022 building permit surplus of \$38,196 be transferred to the Building Stabilization Reserve Fund;**

**AND THAT the Township’s 2022 county roads deficit of \$46,496 be funded through a transfer from the County Roads Reserve**

**Carried**

- Building Stabilization Reserve Fund

**No. 23-237**

**Moved By: Rick Cerna**

**Seconded By: John H. Wilson**

**THAT Report No. FIN 23-11 titled “Building Stabilization Reserve Fund” be received.**

**Carried**

- 2022 Water & Sewer Budget Performance

**No. 23-238**

**Moved By: John H. Wilson**

**Seconded By: Mark Widner**

**THAT Report No. FIN 23-13 entitled “2022 Water & Sewer Budget Performance” be received;**

**AND THAT the Township’s 2022 water rate funded operating deficit of \$117,554 be funded from the Water Reserve;**

**AND THAT the Township’s 2022 sewer rate funded operating surplus of \$10,567 be transferred to the Sewer Reserve.**

**Carried**

Building/Planning/By-law

- Application for Consent to Sever of Blake Bennett & Brenda Lee Coleman

**No. 23-239**

**Moved By: John H. Wilson**

**Seconded By: Scott Lewis**

**THAT Report No. DS-22-62 entitled “Application for Consent to Sever of Blake Bennett & Brenda Lee Coleman” be received;**

**AND THAT the Application for Consent to Sever of Blake Bennett & Brenda Lee Coleman, relating to the property located at Concession 7, Part of Lot 13, and known municipally as 15217 Imperial Road, be SUPPORTED for the reasons set out in this Report;**

**AND THAT this report and the recommended conditions be forwarded to the Land Division Committee for its review and consideration.**

**Carried**

CAO

- Director of Public Works Position

CAO Betteridge provided a verbal report indicating that as part of the Township recruitment policy, a Council member was to sit on the committee with the CAO, HR Manager, Mayor & Deputy Mayor. Interviews had yet to be scheduled but would be done so prior to the next Council meeting resulting in the urgency of this request. Interviews would be scheduled during business hours and preferably all in one day.

**No. 23-240**

**Moved By: Scott Lewis**

**Seconded By: Sarah Leitch**

**THAT the verbal report of the CAO pertaining to the scheduled recruitment for the position of “Director of Public Works” be received;**

**AND THAT Councillor Cerna be appointed to sit with the Mayor, Deputy Mayor, Chief Administrative Officer, and the HR Manager to form the Recruitment Committee for the hiring of a new Director of Public Works.**

**Carried**

**REPORTS OF COMMITTEES/OUTSIDE BOARDS:****No. 23-241****Moved By: Rick Cerna****Seconded By: Sarah Leitch****THAT the following Reports of Committees/Outside Boards be noted and filed:**

- (i) **Long Point Region Conservation Authority – Minutes of April 5, 2023**
- (ii) **Aylmer-Malahide Museum & Archives – Annual Report 2022**
- (iii) **East Elgin Community Complex Board of Governance Review Committee – Minutes of May 1, 2023**

**Carried****CORRESPONDENCE:****No. 23-242****Moved By: Rick Cerna****Seconded By: Mark Widner****THAT correspondence item number seven be supported;****AND THAT the remaining correspondence items be noted and filed:**

1. **Association of Municipalities of Ontario - Watch File – dated May 4, 2023 and May 11, 2023**
2. **Elgin County – Safety Concerns – Request for guardrails on Imperial Road, Port Bruce**
3. **Elgin County – Council Highlights – May 9, 2023**
4. **Southwestern Public Health - Southwestern Public Health pauses COVID-19 data dashboard; will transition to respiratory virus report this fall**
5. **AORS – 2023 Annual Trade Show**
6. **The Aylmer-Malahide Museum & Archives – May-June Newsletter**
7. **County of Prince Edward – Release of proposed new Provincial Planning Statement 2023**
8. **Township of Perth South – Support City of Stratford's resolution for Use of Long-Term Care Funding to Support Community Care Services**
9. **Township of Armour – Water Aerodromes Awareness**

**10. Municipality of Tweed – Bell-Hydro Infrastructure**

**11. Municipality of Central Elgin - Zoning By-law Amendment - Notice of Public Meeting -Talbot Line Employment Lands**

**Carried**

**OTHER BUSINESS:**

-Provincial Policy Statement Concerns

Deputy Mayor Widner spoke to concerns regarding what is being proposed with the Provincial Planning Statement 2023. Mayor Giguère reiterated these concerns and inquired if staff could send a letter similar to the letter sent by the County of Elgin.

**No. 23-243**

**Moved By: Scott Lewis**

**Seconded By: Sarah Leitch**

**THAT the CAO be directed to provide comments on behalf of Township Council to the Ministry of Municipal Affairs and Housing opposing its proposed policies for an integrated province-wide land use planning policy document;**

**AND THAT the comments sent to the Province reflect the comments being sent by Elgin County Council, and include Township Council's concerns relating to the lack of protection of prime agricultural lands, and the loosening of land protection policies for settlement areas.**

**Carried**

-Follow-up request: Safety Concerns at Ron McNeil Line & Imperial Road

**No. 23-244**

**Moved By: Sarah Leitch**

**Seconded By: Chester Glinski**

**That Malahide Township Council request that Elgin County Council provide a status update on the intersection of Ron McNeil Line and Imperial Road.**

**Carried**

Councillor Cerna inquired if staff could investigate the possibility of photo radar in the Township. Mayor Giguère inquired if staff could follow up to see if there is any new information with speed signage that was requested to be installed.

- TVDSB meeting

Councillor Wilson provided an update from the TVDSB meeting this past week and confirmed there has been no outreach to the effected municipalities and is concerned about the lack of communication. Mayor Giguère agreed that the impact of the proposed changes and boundaries is significant as lowering numbers has a domino effect and a letter should be sent to the school board and its trustees.

**No. 23-245**

**Moved By: John H. Wilson**

**Seconded By: Sarah Leitch**

**THAT Council direct the Mayor to send correspondence on behalf of Council to the TVDSB (including the planning department) & the trustees expressing concerns regarding the proposed school boundary adjustments.**

**Carried**

Deputy Mayor Widner provided updates from the last Elgin County Council meeting. He also shared some details from the community policing committee that after a short hiatus from being allowed in the schools, the OPP are able to have education workshops in the schools, including those in the Thames Valley board again.

Mayor Giguère asked the Director of Emergency Services (absent from last meeting) to provide a follow-up from the department quarterly staff report in respect to the assistance with the Town of Aylmer's large downtown fire. Director of Emergency Services Spoor provided a brief overview of the role that Malahide played as a mutual aid partner.

**No. 23-246**

**Moved By: Rick Cerna**

**Seconded By: Chester Glinski**

**THAT Malahide Volunteer Firefighter Association be granted permission to utilize a portion of the pier in Port Bruce for the purpose of a fireworks display on Sunday, May 21<sup>st</sup> (rain date Monday, May 22<sup>nd</sup>); SUBJECT to providing the Township with proof of Event Liability Insurance naming the Township of Malahide as an additional insured.**

**Carried**

**BY-LAWS:**

**CLOSED:**

**CONFIRMATORY:****No. 23-247****Moved By: Rick Cerna****Seconded By: John H. Wilson**

**THAT By-law No.23-42, being a Confirmatory By-law, be given first, second and third readings, and be properly signed and sealed.**

**Carried****ADJOURNMENT:****No. 23-248****Moved By: Mark Widner****Seconded By: Chester Glinski**

**THAT the Council adjourn its meeting at 9.36p.m. to meet again on June 1, 2023, at 7:30 p.m.**

**Carried**

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Mayor – D. Giguère

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Clerk – A. Adams



## Report to Council

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**REPORT NO.:** DS-23-14  
**DATE:** June 1, 2023  
**ATTACHMENT:** Application  
**SUBJECT:** MINOR VARIANCE APPLICATION NO. D13-MV-03-23 OF KAVIN OSTROSSER

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### Recommendation:

**THAT Report No. DS-23-14 entitled “Minor Variance Application No. D13-MV-03-23 of Kevin Ostrosser” and affecting lands described as PLAN 88 LOTS 18 TO 25 RP;11R3634 PART 2 in the Township of Malahide (11961 Omemee Street) be received;**

**AND THAT the Township of Malahide Committee of Adjustment APPROVE Minor Variance Application No. D13-MV-03-23 to permit To permit an accessory strucutre with a maximum floor area of 292 m<sup>2</sup> where the By-law requires a maximim floor area of 120 m<sup>2</sup>;**

**AND THAT the approval shall be subject to the following conditions:**

- 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.**

### Background:

The subject Application relates to the property located at PLAN 88 LOTS 18 TO 25 RP;11R3634 PART 2, and known municipally as 11961 Omemee Street. The Application seeks to permit an accessory strucutre with a maximum floor area of 292 m<sup>2</sup> where the By-law requires a maximim floor area of 120 m<sup>2</sup>.



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 on at the June 1, 2023 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-03-23.

### **Comments/Analysis:**

The subject lands are approximately 2.3 hectares in area, have approximately 23 metres of frontage on Omemee Street and contain an existing single-detached dwelling and accessory structure. The subject property is bounded by agricultural lands to the west, a former rail corridor to the south, and residential uses to the north and east.

Based on information provided in the application, the subject lands contain an existing accessory structure approximately 246 m<sup>2</sup> in size. The owner is proposing to expand the structure by approximately 46 m<sup>2</sup> with the total proposed size of the structure being approximately 292 m<sup>2</sup>.

It is noted that when the existing accessory structure was constructed, the subject lands were zoned 'General Agriculture (A1)', which does not include specific zoning requirements for accessory structures. The subject lands were rezoned during the 2018 Zoning By-law Consolidation and were subsequently added to the Springfield settlement area and designated 'Residential' as part of Official Plan Amendment 20.

### **County of Elgin Official Plan**

The subject property is designated "Tier 2 - Springfield" on Schedule 'A', Land Use Plan. The Official Plan generally encourages that development maintain and enhance the character of existing residential areas. A range of uses are permitted in Tier 2 Settlement areas including residential and accessory uses.

### **Malahide Official Plan**

The subject property is designated "Residential" on Schedule 'B' (Land Use and Constraints Plan for Springfield). The "Residential" designation permits a range of residential uses, including single detached dwellings, as well as accessory uses.

### **Malahide Zoning By-law No. 18-22**

The subject property is within the "Village Residential One (VR1) Zone", on Key Map D1 of Schedule "A" to the Township's Zoning By-law No. 18-22.

The table below identifies the development standards within the Zoning By-law for the lands zoned 'Village Residential 1 (VR1)' as they relate to the proposed development.

**Table 1. Village Residential (VR1) Zone Requirements**

<b>Zoning Provision</b>	<b>Required:</b>	<b>Proposed:</b>
Min. Lot Area	800 m <sup>2</sup>	20,000 m <sup>2</sup>
Min. Lot Frontage	20 m	23 m
Min. Front Yard	6 m	15.8 m
Min. Interior Side Yard	2 m	59.4 m
Min. Rear Yard	7.5 m	40.2 m
Max. Lot Coverage	30%	Less than 30%
Max. Height of Dwelling	10.5 m	Less than 10.5 m
Max. Number Dwellings	1	1
<b>Accessory Structures</b>		
Max. Floor Area	120 m <sup>2</sup>	292 m <sup>2</sup>
Min. Interior Side Yard	1.2 m	40.2 m
Min. Rear Yard	1.2 m	40.2 m
Max. Lot Coverage	10%	1.4%
Max. Height	6 m	Less than 6 m

The minor variance application is requesting a maximum floor area of 292 m<sup>2</sup>, whereas the By-law requires a maximum floor area of 120 m<sup>2</sup>.

### **Public/Agency Comments Received**

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

- Catfish Creek Conservation Authority (CCCA) has provided comments dated May 23, 2023. CCCA has no concerns with the proposed application.
- There have been no comments received from the general public as of the date of writing this report.

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

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 proposed accessory structure would be a permitted use under the County and Malahide Official Plans. 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 maximum floor area requirements of accessory structures. 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.**

As previously noted in this report, the subject lands were previously zoned 'General Agriculture (A1)' and the A1 zone does not include specific zoning requirements for accessory structures. The existing legal non-complying structure is approximately 246 m<sup>2</sup> and currently exceeds the 120 m<sup>2</sup> maximum floor area for accessory structures under the VR1 zone and the proposed addition would represent an approximate 18.6% increase to the existing building.

The intent of the maximum floor area requirement is to ensure that accessory structures remain ancillary and subordinate to the main use on a property. While the proposed lot overage would exceed the maximum requirements, the accessory structure would continue to remain subordinate to the primary residential use of the property. The application is consistent with 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. It is noted that the subject lands are an existing oversized parcel and the proposed addition to the accessory structure would be located a minimum of 35 metres from the nearest property line. It is also noted that the legal non-complying structure is existing and no impacts of the existing structure have been identified. The lands to the west are used for agricultural purposes and do not contain a dwelling. The proposed expansion to the accessory structure would not impact adjacent land owners from using their properties for permitted uses. The application is minor in nature.

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

The proposed variance would permit a previously existing accessory structure to be expanded with a larger footprint. It is noted that the subject lands are oversized and the proposed total area of the accessory structure would represent approximately 1.4% of the subject lands. The application is desirable for the appropriate development or use of the subject property.

**Financial Implications to Budget:**

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.

## Relationship to Cultivating Malahide:

The Cultivating Malahide Integrated Community Sustainability Plan (ICSP) is based upon four pillars of sustainability: Our Land, Our Economy, Our Community, and Our Government.

The proposed minor variance addresses a deviation from a standard of the Township of Malahide Zoning By-law and would have no direct relationship or bearing upon the document.

Submitted by:	Reviewed by:
Eric Steele, BES Monteith Brown Planning Consultants Ltd., Consulting Planner for the Township	Jay McGuffin, MCIP, RPP Vice President, Principal Planner Monteith Brown Planning Consultants Ltd.

Approved by:
Adam Betteridge, Chief Administrative Officer

# APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION

Planning Act, R.S.O. 1990, O.Reg 200/96 as amended

The undersigned hereby applies to the Committee of Adjustment for the

## TOWNSHIP OF MALAHIDE

under Section 45 of the Planning Act, R.S.O. 1990 for relief, as described in this application, from By-Law No. 05-27 Township of Malahide.

### 1. OWNER(S)

- a) Name KAVIN / THBA OSTROSSER
- b) Mailing Address 11961 OMEMEE ST PO Box 6 / SPRINGFIELD  
NOL 250
- c) Telephone No. 519-765-4509
- d) Fax No. N/A

### 2. SOLICITOR / AUTHORIZED AGENT

- a) Name \_\_\_\_\_
- b) Mailing Address \_\_\_\_\_
- c) Telephone No. \_\_\_\_\_
- d) Fax No. \_\_\_\_\_

### 3. LOCATION OF LAND

- a) Lot and Plan or Concession No. OMEMEE ST CON 9 Pt LOT 11R3634 PART 3
- b) Street No. and Name 11961 OMEMEE STREET 3.29 ACRES

4. Names and address of any mortgages, holders and charges or other encumbrances:

Name:

Address:

N/A

5. Nature and extent of relief applied for:

RELIEF REQUESTED FROM REQUIREMENT OF THE (VRI) ZONE WHICH RESTRICTS THE OF ADDITION TO EXISTING 44' X 60' BUILDING TO A MAX OF 120 SQ/M. EXISTING BUILDING BUILT WHEN AGRICULTURAL ZONING WAS IN AFFECT

6. Why is it not possible to comply with the provisions of the Bylaw?

PROPOSED ADDITION TO STORAGE BUILDING TO EXCEED MAX FLOOR AREA

7. Dimensions of the land affected:

SEE ATTACHED COPY OF REGISTERED SURVEY

a) Frontage (m)

247.52 FEET

b) Depth (m)

618.46 FEET

c) Area (sq.m / ha)

3.28 ACRES.

8. Particulars of all buildings and structures on or proposed for the subject land (specify ground floor area, gross floor area, number of storeys, width, length, height, etc.)

a) Existing

(STORAGE) BUILDING 44' X 60' (1 STOREY)

b) Proposed

(STORAGE) ADDITION TO EXISTING BUILDING  
ADDITION TO BR 24' X 20' 4"

9. Date of acquisition of subject land:

1988 / 1989.

10. Date of construction of all buildings and structures on subject lands:

OCT 2006

11. Existing uses of the subject property:

STORAGE BUILDING AND FARMLAND

12. Length of time and existing uses to the subject property have continued: 1985 TO PRESENT AS

FARMLAND WITH STORAGE  
BUILDING ADDED IN 2006

13. Existing uses of abutting properties:

- a) North RESIDENTIAL
- b) East RESIDENTIAL
- c) South AGRICULTURAL
- d) West AGRICULTURAL

14. Services available (check appropriate space(s))

- a) Method of Water Supply (if applicable)
- Public Water Supply System ☐ Private Individual Well ☒
- Private Communal Well ☐ Other (please specify)
- b) Method of Sanitary Waste Disposal (if applicable)
- Private Septic Tank and Tile Field System ☐ Private Communal System ☐ N/A
- Other (please specify)

15. Applicable Official Plan designation(s): RESIDENTIAL

16. Applicable Zoning By-law zone(s): VAL

17. Has the owner previously applied for a minor variance in respect to the subject property?

- a) Yes ☐ No ☒

If Yes, describe briefly:

18. Is the subject property the subject of a current application of consent / severance?

- Yes ☐ No ☒

## ASSOCIATED PLANNING COSTS

The Application fee paid is a **deposit** towards the actual costs which shall be incurred by the Township during the review and approval process.

The Applicant will be billed for the difference between the actual costs incurred and the deposit. If the deposit exceeds the actual cost, a refund will be made.

There is **no guarantee** that any application considered will be approved. An Applicant can spend his (her) money for the planning review process and still not be able to do what they desire.

Basic steps are established in the Planning Act and associated regulations. They include: a notice, review, consultation, public meeting, and Council decision. Major amendments will be subject to a more demanding and complex planning review process which will be reflected in the final costs paid.

Fees shall be based on municipal staff time, consultant fees (planners) and associated costs and disbursements needed to carry out the review of the planning application. **Basically, all costs from the conception of the application up to the decision of Council including posting notification are at the expense of the Applicant. If you wish to discontinue, you must notify the Township in writing and you will be responsible for all costs to that time and any costs to terminate the process you have set in motion.**

### Example – 2014 Costs

Municipal Staff billed out at following rates (subject to change)

CAO/Clerk: \$ 90.07 per hour

Department Clerk: \$ 42.58 per hour

Other: Disbursements including advertising, fax, photocopies, postage, prints, mileage, delivery service, telephone calls, etc.

Consultant fees billed out at following rates (Subject to change)

Principal Planner II: \$125.00 per hour

Senior Planner: \$80.00 per hour

Other: Disbursements including advertising, fax, photocopies, postage, telephone calls, delivery service, prints, mileage, special reports, etc.

FURTHER to my signed Affidavit, I acknowledge that there are associated costs for this application and agree to accept the Planners bills as rendered. All accounts are due when rendered. All overdue amounts are subject to penalty of 18% per annum.

---

Registered Owner/Authorized Agent



## SKETCH INSTRUCTIONS

A sketch showing the following:

- ✓ i) The boundaries and dimensions of the subject lands. ✓
- ✓ ii) The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines.
- ✓ iii) The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples  
 N/A → include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks.
- ✓ iv) The current uses on land that is adjacent to the subject lands.
- ✓ v) The location, width and name of any roads within or abutting the subject land, indicating whether it is an  
 N/A → unopened road allowance, a public travelled road, a private road or a right-of-way.
- ✓ vi) If access to the subject land is by water only, the location of the parking and docking facilities to be  
 N/A → used.

**NOTE:** Use a separate sheet of paper for the sketch if required.

## REQUIRED SKETCH FOR MINOR VARIANCE APPLICATIONS

APPLICANT NAME

KAVIN & THERA OSTROSSER

ADDRESS

11961 OMBERR ST PO BOX 61SPRINGFIELD ON NOL2JO

Lot

19

Concession

9

Municipality

MALAHIDESPRINGFIELD

Registration Plan No.

11R3634

Quarter of Township Lot

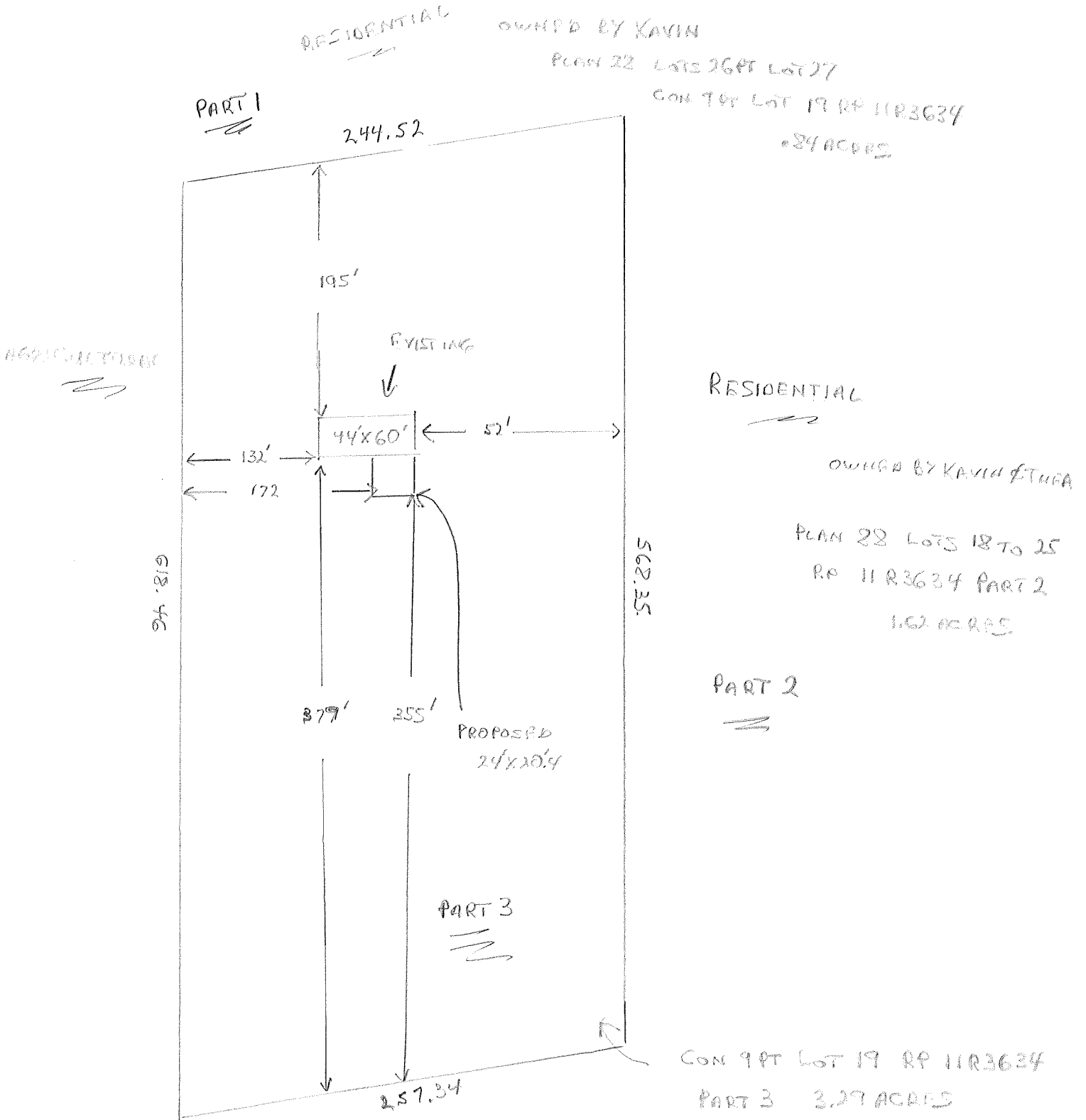
N.E. ☐N.W. ☐S.W. ☐S.E. ☐

See Sketch Instructions on the following page.

SEE ATTACHED 2 PAGESPAGE 1 = SKETCHPAGE 2 = REGISTERED PLAN OF SURVEY

RETURN THIS SKETCH WITH APPLICATION FORM -  
NOTE: WITHOUT A SKETCH AN APPLICATION CANNOT BE PROCESSED

ALL DIMENSIONS MUST BE IN METRIC



**STATUTORY DECLARATION**

I, KAVIN THRA OSTROSSER of the SPRINGFIELD / TOWNSHIP OF MALAHIDE  
 (Name of Applicant) (City, Municipality, Town, Township)

in the COUNTY OF ELGIN  
 (County / District / Region)

**SOLEMNLY DECLARE THAT** the information provided in this application as required under Section 45 of the Planning Act R.S.O. 1990 and Ontario Regulation 200 / 96 as amended is true.

**AND** I make this solemn Declaration conscientiously believing it to be true, and knowing that it is of the same force and affect as if made under oath.

**DECLARED** before me

Township of Malahide. )  
 (City, Municipality, Town, Township) )

in the County of Elgin. )  
 (County / District / Region) )



Signature of Applicant or

Authorized Agent \*

this 18<sup>th</sup> day of April, 2023. )

Allison Adams, a Commissioner  
 for taking Affidavits, Pursuant to  
 R.S.O. 1990, C.17, Para. 1(2)

Adams. )  
 A Commissioner, etc. )

\* If authorized agent, a letter from the owner of the property must accompany this application.

**APPLICATION FEE** to accompany \$2,000.00, payable to the Township of Malahide.

### Municipal Freedom of Information Declaration

In accordance with the provisions of the Planning Act, it is the policy of the Township Planning Department to provide public access to all development applications and supporting documentation.

Personal information contained on this form is collected pursuant to the Planning Act, R.S.O. 1990, O.Reg 200/96 as amended and will be used for the purpose of determining permission for minor variance. The personal information collected will be maintained in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56, as amended.

In submitting this development application and supporting documentation, I KAVIN  
OSTROSKA, the owner/authorized applicant, hereby acknowledge the above-noted policy and provide my consent, in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, that the information on this application and any supporting documentation provided by myself, my agents, consultants and solicitors, will be part of the public record and will also be available to the general public.

I hereby authorize the Township of Malahide to post a Change of Use sign and municipal staff to have access to the subject site for purposes of evaluation of the subject application.



Signature

18

Day

04

Month

2023-

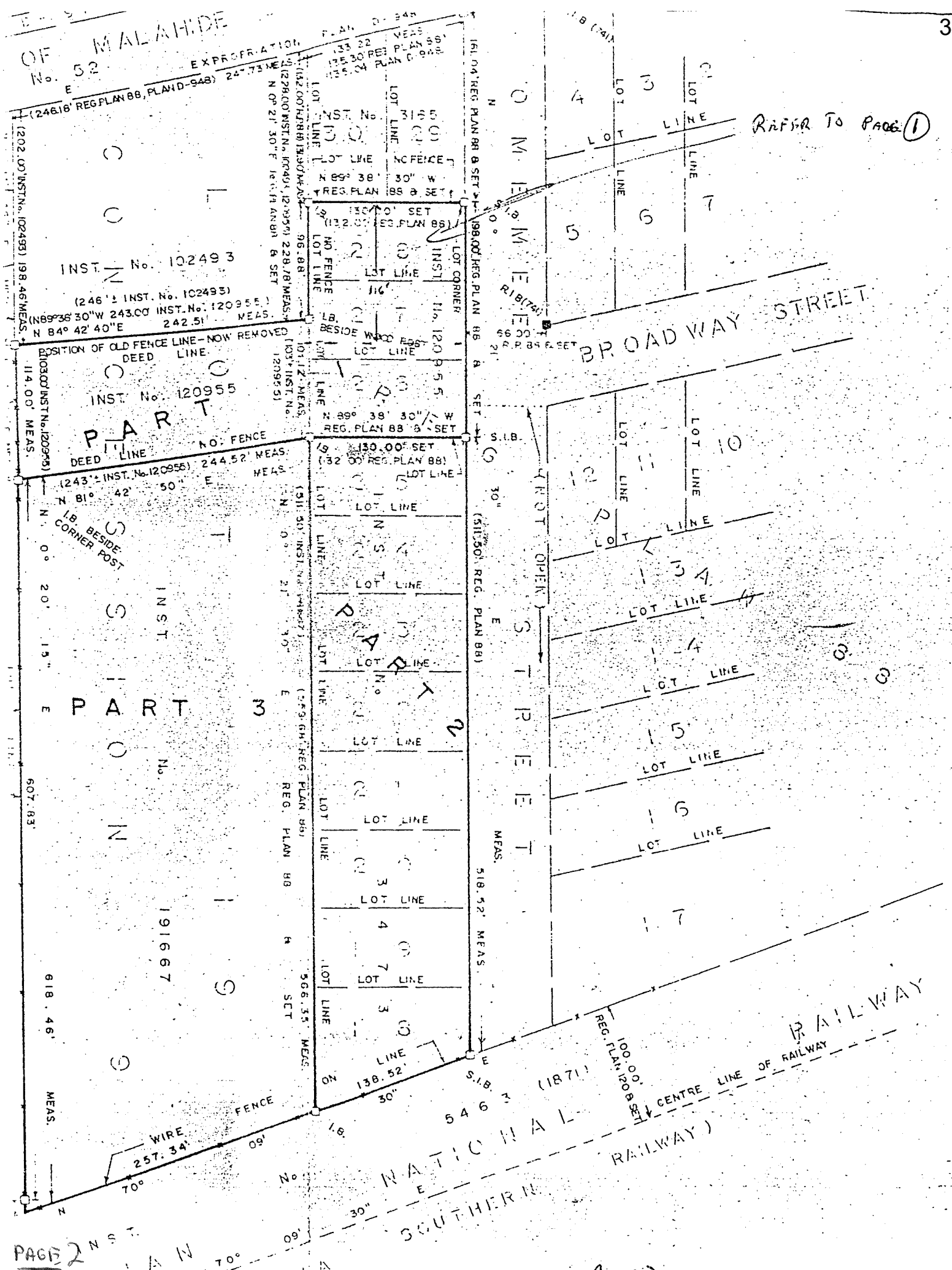
Year

Signature

Day

Month

Year



*B. Vaughan*  
BRIAN VAUGHAN  
ONTARIO LAND SURVEYOR

*D. J. Clow*  
LAND REGISTRAR  
FOR THE REGISTRY  
DIVISION OF ELGIN (1)

**CAUTION:** THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT.

**PLAN OF SURVEY**  
OF  
**LOTS 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 & 28**  
WEST OF OMEMEE STREET  
**REGISTERED PLAN 88**  
AND OF PART OF  
**LOT 19**  
**CONCESSION 9**  
(FORMERLY TOWNSHIP OF MALAHIDE)  
NOW  
**VILLAGE OF SPRINGFIELD**  
**COUNTY OF ELGIN**  
BRIAN VAUGHAN SURVEYING LIMITED

1988  
SCALE 1" = 100'

**NOTES:**  
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHERLY LINE OF ROAD ALLOWANCE BETWEEN TOWNSHIPS OF MALAHIDE AND SOUTH DORCHESTER AS SHOWN ON EXPROPRIATION PLAN D-948, HAVING A BEARING OF N 77° 43' 30" E.

**LEGEND:**

■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT SET
S.I.B.	DENOTES	STANDARD IRON BAR
SS.I.B.	DENOTES	SHORT STANDARD IRON BAR
R.I.B.	DENOTES	ROUND IRON BAR
I.B.	DENOTES	IRON BAR
C.C.	DENOTES	CUT CROSS
WIT.	DENOTES	WITNESS
C.M.	DENOTES	MINISTRY OF TRANSPORTATION (CONCRETE MONUMENT)
S.U.	DENOTES	SOURCE UNKNOWN
355	DENOTES	BRIAN VAUGHAN O.L.S.
1130	DENOTES	J. G. RUPERT O.L.S.
74.	DENOTES	D. L. HOUGHTON O.L.S.
MEAS.	DENOTES	MEASURED

**SURVEYOR'S CERTIFICATE**  
I HERESY CERTIFY THAT  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE REGISTRY ACT AND THE REGULATIONS MADE THEREUNDER  
2. THE SURVEY WAS COMPLETED ON THE 16th DAY OF NOVEMBER 1988

*B. Vaughan*  
ST. THOMAS, ONT.  
NOVEMBER 22, 1988

BRIAN VAUGHAN  
ONTARIO LAND SURVEYOR



## Report to Committee of Adjustment

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**REPORT NO.:** DS-23-15  
**DATE:** June 7, 2023  
**ATTACHMENT:** Application, and submitted Planning Justification Report  
**SUBJECT:** **MINOR VARIANCE APPLICATION NO. D13-MV-05-23 OF DEBORAH NEILL & JAMES STANNARD (AUTHORIZED AGENT: DAVID ROE C/O CIVIC PLANNING SOLUTIONS INC)**

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### Recommendation:

**THAT Report No. DS-23-15 entitled “Application No. D13-MV-05-23 of Deborah Neill & James Stannard” and affecting lands described as Part of Lot 11, Concession 11 in the Township of Malahide (49801 Lyons Line) be received;**

**AND THAT the Township of Malahide Committee of Adjustment APPROVE Application No. D13-MV-05-23 to permit an increase in the maximum floor area of an accessory building used for home occupation in a Rural Residential Zone.**

### Background:

The application relates to the property located at Part of Lot 11, Concession 11, further described as being Part 1 on RP 11R-2617, and known municipally as 49801 Lyons Line (“subject property”). The subject application (D13-MV-05-23) for Minor Variance (“the application”) has been submitted by David Roe on behalf of the owner to seek relief from the maximum floor area allowed in an accessory building used for a home occupation in the Rural Residential Zone. The Application proposes a maximum allowable floor area in an accessory building used for home occupation of 178.8m<sup>2</sup>, whereas the By-law requires a maximum floor area of 100m<sup>2</sup>.

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 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-05-23.

### **Comments/Analysis:**

The subject property is approximately 3099 m<sup>2</sup> (0.77 acres) in area and has approximately 50 m (164 feet) of frontage along Lyons Line. The property contains an existing single-detached dwelling and accessory structure. The owner currently uses a portion of the 178.8 m<sup>2</sup> accessory structure as part of a home occupation that deals with the repairing of trucks and restoration of farm equipment (primarily tractors). Based on the information provided within the application, the owner is proposing to expand the home occupation to include the entirety of the building. However, the Zoning By-law limits the maximum floor area of a home occupation in the RR zone to 100 m<sup>2</sup>; as a result, a minor variance is required to permit the increased floor area. The subject property is bounded by agricultural lands to the north and south, and non-farm residential uses to the east and west.

### **County of Elgin Official Plan**

The subject property is designated as an “Agriculture Area” on Schedule ‘A’ Land Use Plan. For lands designated as ‘Agricultural Area’, the County Official Plan permits agricultural uses, single detached dwellings in conjunction with agricultural use, and secondary uses such as a home industry (Section C2.3).

### **Malahide Official Plan**

The subject property is designated “Agriculture” on Schedule ‘A1’ (Land Use Plan). The Official Plan states agriculture- related uses and secondary uses will be permitted in the “Agriculture” designation provided they are compatible with agricultural uses and do not contribute to land use conflicts. (Section 2.1.1.2).

### **Malahide Zoning By-law No. 18-22**

The subject property is within the “Rural Residential (RR) Zone”, on Key Map 21 of Schedule “A” to the Township’s Zoning By-law No. 18-22. The RR zone permits single detached dwellings, bed and breakfast establishments, and home occupations.

Section 6.2.1 sets zone Standards and Section 6.3.4 provides provisions for home occupations within the Rural Residential Zone.



The following table outlines the key zoning provisions:

**Table 1. Rural Residential (RR) Zone Requirements**

<b>Zoning Provision</b>	<b>Required:</b>	<b>Proposed:</b>
Min. Lot Area	2000 m <sup>2</sup>	3,098.88 m <sup>2</sup>
Min. Lot Frontage	30 m	49.99 m
Min. Front Yard	10 m	11.3 m
Min. Interior Side Yard	3 m	3 m
Min. Rear Yard	10 m	13 m
Max. Lot Coverage	30%	< 30%
Max. Height	10.5 m	7.31 m
Min. Floor Area – Dwelling	100 m <sup>2</sup>	189 m <sup>2</sup>
Max. Floor Area - Accessory Building	200m <sup>2</sup>	178.83 m <sup>2</sup>
<b>6.3.2 Home Occupations</b>		
Location	Permitted within a dwelling or within an accessory building	Yes
Max. Floor Area – Accessory Building for Home Occupation	100m <sup>2</sup>	178.83 m <sup>2</sup>
Max. Number of Employees Other than Owner	1	1

The application is requesting a floor area of 178.83 m<sup>2</sup> in an accessory building used for home occupation in the Rural Residential Zone.

### **Public/Agency Comments Received**

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

- Catfish Creek Conservation Authority (CCCA) has provided comments dated May 23, 2023. CCCA has no concerns with the proposed application.
- There have been no comments received from the general public as of the date of writing this report.

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 4 tests are as follows:

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

The existing accessory structure and proposed home occupation use would be a permitted use under the County and Township Official Plans. 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 maximum floor area requirements of accessory structures. 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 maximum floor area requirement for home occupations within accessory structures is to avoid large scale home occupations and avoid nuisances with the surrounding land use. The additional floor area for the proposed home occupation is needed for the nature of the use for repairing and restoring equipment. The proposed home occupation would not occupy more floor area than the existing dwelling and would remain subordinate to the primary residential use. It is noted that the proposed increase remains under the allowable amount for an accessory building, but only contravenes the By-Law if it is used for home occupation. This application is consistent with the intent and purposes 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 Planning Justification Report notes that the proposed use would be located at least 25 metres from the nearest dwelling. It is noted that the repair work associated with the proposed use would be conducted within the existing building. It is also noted that there are no new structures being proposed and as a result, it is not anticipated that the proposed variance would negatively impact surrounding properties. The proposed accessory structure would not impact adjacent landowners from using their properties for permitted uses. The application is minor in nature.

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

The proposed variance would permit the usage of an existing shop for home occupation use. The increased size would help to permit an allowable use that is related to the agricultural context of the area. The application is desirable for the appropriate development or use of the subject property.

As this application does not propose any new structures and only seeks to allow the use of an existing shop for home occupation use, Township Planning Staff have no concerns with this application. No conditions are recommended.

**Financial Implications to Budget:**

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.

**Relationship to Cultivating Malahide:**

The Cultivating Malahide Integrated Community Sustainability Plan (ICSP) is based upon four pillars of sustainability: Our Land, Our Economy, Our Community, and Our Government.

The proposed minor variance addresses a deviation from a standard of the Township of Malahide Zoning By-law and would have no direct relationship or bearing upon the document.

Submitted by:	Reviewed by:
Eric Steele, BES Monteith Brown Planning Consultants, <u>Consulting Planner for the Township</u>	Jay McGuffin, MCIP, RPP Monteith Brown Planning Consultants Vice President & Principal Planner

Approved by:
Adam Betteridge, Chief Administrative Officer

# APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION

Planning Act, R.S.O. 1990, O.Reg 200/96 as amended

The undersigned hereby applies to the Committee of Adjustment for the

## **TOWNSHIP OF MALAHIDE**

under Section 45 of the Planning Act, R.S.O. 1990 for relief, as described in this application, from By-Law No. 05-27 Township of Malahide.

### **1. OWNER(S)**

- a) Name Deborah Neill and James Stannard
- b) Mailing Address 49801 Lyons Line  
Springfield, ON N0L 2J0
- c) Telephone No. 519-614-1457
- d) Fax No. jrstannardrestorationsinc@hotmail.com

### **2. SOLICITOR / AUTHORIZED AGENT**

- a) Name David Roe , Civic Planning Solutions Inc.
- b) Mailing Address 61 Trailview Dr. Tillsonburg, ON N4G 0C6
- c) Telephone No. 519-983-8154
- d) Fax No. dfrefez@me.com

### **3. LOCATION OF LAND**

- a) Lot and Plan or Concession No. Part Lot 11, Concession 11 (South Dorchester)  
Part 1, Plan 11R2617
- b) Street No. and Name 49801 Lyons Line

4. Names and address of any mortgages, holders and charges or other encumbrances:

Name: Address:

none

5. Nature and extent of relief applied for:

Permit the use on the existing shop with a floor area of 178.83m<sup>2</sup>  
to be used for a home occupation being the repair of trucks and restoration  
of farm, primarily tractors

6. Why is it not possible to comply with the provisions of the Bylaw?

The proposed use requires a larger floor area than permitted by the zoning bylaw

7. Dimensions of the land affected:

a) Frontage (m) 49.99m  
b) Depth (m) 61.99m  
c) Area (sq.m / ha) 3098.88m<sup>2</sup>

8. Particulars of all buildings and structures on or proposed for the subject land (specify ground floor area, gross floor area, number of storeys, width, length, height, etc.)

a) Existing Floor Area - 178.83m<sup>2</sup>  
Existing shop width - 10.66m, depth - 16.76m, height - 7.31m  
House with attached garage 21.6m x 8.75m, Floor area - 189m<sup>2</sup>  
b) Proposed Nothing proposed

9. Date of acquisition of subject land: 2004

10. Date of construction of all buildings and structures on subject lands:  
2008 shop was built

**11. Existing uses of the subject property:**

Existing residential use with a shop at the rear

The owner repairs trucks and restores of farm equipment (primarily tractors)

**12. Length of time and existing uses to the subject property have continued:** 2008

**13. Existing uses of abutting properties:**

a) North residential and agricultural

b) East residential and agricultural

c) South agricultural

d) West residential and agricultural

**14. Services available (check appropriate space(s))**

a) Method of Water Supply (if applicable)

Public Water Supply System ☐

Private Individual Well ☒

Private Communal Well ☐

Other (please specify)

b) Method of Sanitary Waste Disposal (if applicable)

Private Septic Tank and

Private Communal System ☐

Tile Field System ☒

Other (please specify)

**15. Applicable Official Plan designation(s):** Agriculture

**16. Applicable Zoning By-law zone(s):** RR

**17. Has the owner previously applied for a minor variance in respect to the subject property?**

a) Yes ☐ No ☒

If Yes, describe briefly:

**18. Is the subject property the subject of a current application of consent / severance?**

Yes ☐ No ☒

**STATUTORY DECLARATION**

I, David Roe of the Town of Tillsonburg  
 (Name of Applicant) (City, Municipality, Town, Township)

in the County of Oxford  
 (County / District / Region)

**SOLEMNLY DECLARE THAT** the information provided in this application as required under Section 45 of the Planning Act R.S.O. 1990 and Ontario Regulation 200 / 96 as amended is true.

**AND** I make this solemn Declaration conscientiously believing it to be true, and knowing that it is of the same force and affect as if made under oath.

**DECLARED** before me

Town of Delhi )  
 (City, Municipality, Town, Township) )

in the Norfolk County )  
 (County / District / Region) )

this 21<sup>st</sup> day of April, 2023 )

Signature of Applicant or  
 Authorized Agent \*

  
 A Commissioner, etc.

Elizabeth Ann Caterino, a Commissioner, etc.  
 Province of Ontario  
 for John R. Hanselman, Barrister and Solicitor  
 Expires December 19, 2024

\* If authorized agent, a letter from the owner of the property must accompany this application.

**APPLICATION FEE** to accompany \$2,000.00, payable to the Township of Malahide.

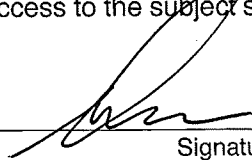
### Municipal Freedom of Information Declaration

In accordance with the provisions of the Planning Act, it is the policy of the Township Planning Department to provide public access to all development applications and supporting documentation.

Personal information contained on this form is collected pursuant to the Planning Act, R.S.O. 1990, O.Reg 200/96 as amended and will be used for the purpose of determining permission for minor variance. The personal information collected will be maintained in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56, as amended.

In submitting this development application and supporting documentation, I David Roe, the owner/authorized applicant, hereby acknowledge the above-noted policy and provide my consent, in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, that the information on this application and any supporting documentation provided by myself, my agents, consultants and solicitors, will be part of the public record and will also be available to the general public.

I hereby authorize the Township of Malahide to post a Change of Use sign and municipal staff to have access to the subject site for purposes of evaluation of the subject application.



Signature

20

Day

04

Month

2023

Year

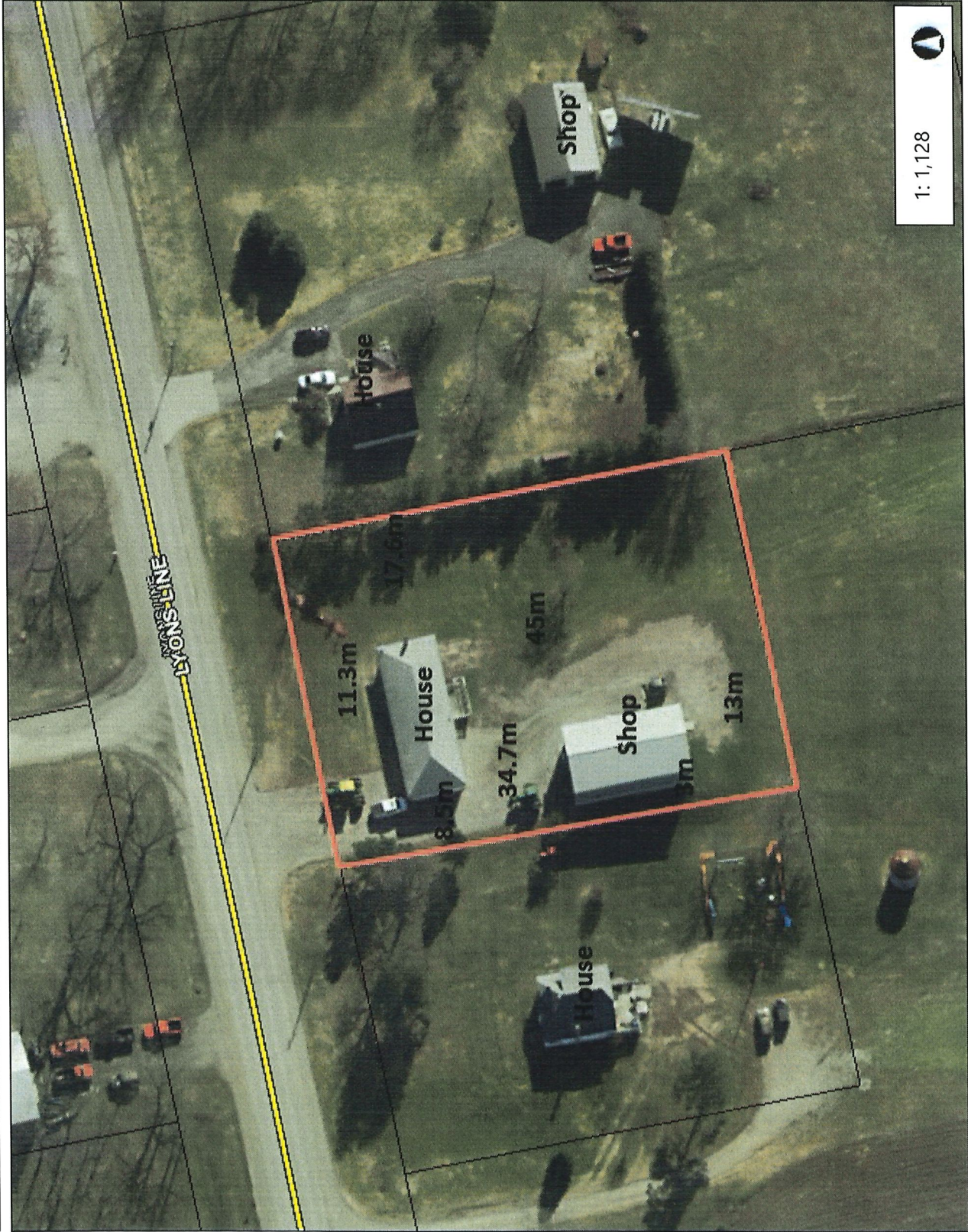
Signature

Day

Month

Year





1: 1,128



WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© Latitude Geographics Group Ltd.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

Legend

- Elgin County Parcels
- Elgin Road Network
- Elgin Road Network
- Elgin Road Network
- Local
- Arterial
- Highways
- Boundary
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations

Notes



# Planning Justification Report – Jim Stannard MV

## 1.0 Introduction and Development Proposal

Civic Planning Solutions Inc has been retained by Jim Stannard to submit and support an minor variance for his property located at 49801 Lyons Line in the Township of Malahide. The subject lands are presently zoned Rural Residential (RR) by the Township of Malahide Zoning by-law 18-22. The applicant operates a home occupation by repairing trucks and restoring farm equipment (primarily tractors) in the shop located at the rear of his property. The applicant has applied for a minor variance. In the Rural Residential (RR) zone, home occupations are permitted within accessory buildings subject to a maximum floor area of 100m<sup>2</sup>. The existing shop has a floor area of 178.83m<sup>2</sup>. Relief in the maximum floor area in the amount of 78.83m<sup>2</sup> is requested.

This report includes a review of the **Provincial Policy Statement 2020, Elgin County Official Plan, Township of Malahide Official Plan and Malahide Zoning By-Law 18-22, as amended.**

## 2.0 Background Information

The subject lands are located on the south-side of Lyons Line, east of Imperial Road. The subject lands are located in Part Lot 11, Concession 11, (South Dorchester) Township of Malahide. The existing parcel has a frontage of 49.99m, depth of 61.99m and an area of 3098.88m<sup>2</sup> (0.77ac). There is an existing dwelling and a 178.83m<sup>2</sup> accessory building (shop) located at the rear of the property. The shop is used for repair of trucks and restoration of farm equipment, primarily tractors. An extensive photo library of their work is available to be viewed on their Facebook webpage. This is a small operation with Jim and his son working for the business known as "JR Stannard Restorations Inc." Hours of operation are normally weekdays 8AM to 5PM.

The surrounding land uses are:

North – residential and agricultural;

South – agricultural;

East – residential and agricultural; and

West - residential and agricultural.

The shop is setback 34.7m from the road and 25m from the closest residential dwelling on a separate property. There are no livestock operations located in close proximity to the subject lands.

As outlined in this report, the use of the accessory building for a home occupation is permitted under the uses permitted within the Rural Residential Zone (RR) however that use is limited to a maximum floor area of 100m<sup>2</sup> (Section 6.1.1.9 By-law 18-22).

# Planning Justification Report – Jim Stannard MV

## 3.0 Provincial Policy Statement (2020)

Provincial Policy Statement	Comments
<p><b>2.3 Agriculture</b></p> <p>2.3.1 Prime agricultural areas shall be protected for long-term use for agriculture. Prime agricultural areas are areas where prime agricultural lands predominate. Specialty crop areas shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the prime agricultural area, in this order of priority.</p> <p>2.3.2 Planning authorities shall designate prime agricultural areas and specialty crop areas in accordance with guidelines developed by the Province, as amended from time to time. Planning authorities are encouraged to use an agricultural system approach to maintain and enhance the geographic continuity of the agricultural land base and the functional and economic connections to the agri-food network.</p>	<p>The subject lands are located within areas considered as <b>"Prime Agricultural Areas"</b>.</p> <p>The subject lands are designated <b>Agricultural Areas</b> in the Elgin County Official Plan and <b>"Agriculture"</b> in the Malahide Official Plan.</p>
<p><b>2.3.3 Permitted Uses</b></p> <p><u>2.3.3.1</u></p> <p>In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives</p>	<p>The policy permits agriculturally related uses within <b>Prime Agricultural Areas</b>. Home occupations and Home Industries are permitted as an on-farm diversified use and as a secondary use subject to the limitations that such uses must be secondary to the primary use, limited in area and not have a negative impact of the agricultural use of the lands or adjacent agricultural lands.</p>

# Planning Justification Report – Jim Stannard MV

## 4.0 Elgin County Official Plan

The following policies of the Elgin County Official Plan are relevant to this application:

Elgin County Official Plan	Comments
<p><b>C2 AGRICULTURAL AREA</b></p> <p><b>C2.1 OBJECTIVES</b> It is the objective of this land use designation to:</p> <ul style="list-style-type: none"> <li>• Recognize agriculture as the primary activity and land use;</li> <li>• Maintain and preserve the agricultural resource base of the County;</li> <li>• Protect the County's prime agricultural area from fragmentation, development and land uses unrelated to agriculture;</li> <li>• Promote normal farm practices and to protect the right to farm;</li> <li>• Promote a diverse, innovative and economically strong agricultural industry and associated activities by enhancing their capacity to contribute to the economy of the County; and,</li> <li>• Preserve and promote the agricultural character of the County and its local communities.</li> </ul> <p><b><u>C2.3 PERMITTED USES</u></b></p> <p><u>Permitted uses in the Agricultural Area designation are:</u></p> <p>a) agricultural uses;</p> <p>f) <u>secondary uses subject to Section C2.7</u></p> <p><b>C2.7 SECONDARY USES</b></p> <p>For the purposes of this Plan, the following uses are deemed to be secondary uses:</p> <p>a) Home occupations;</p> <p>b) Home industries subject to Section C2.7.2 of this Plan;</p>	<p>The subject lands are within the <b>Agricultural Area</b> as defined by the Elgin County Official Plan.</p> <p>The objectives of the Elgin County Official Plan will be maintained.</p> <p>Agricultural uses are to be the primary use in Agricultural Areas.</p> <p>The proposed use is considered to be a secondary use on the subject lands. A home industry seems to be an appropriate description.</p> <p>Home Occupations and Home Industries are permitted.</p>

## Planning Justification Report – Jim Stannard MV

### C2.7.1 Characteristics of a Secondary Use

A secondary use is any land use that is secondary to the principle use on a property. If the principle use is agriculture, then the secondary use must be accessory to and subordinate to the agricultural use. If the principle use on the property is residential in the form of a single detached dwelling, then the secondary use must be accessory and subordinate to the single detached dwelling. Factors to consider by municipalities in determining whether a use is a secondary use include:

- a) the amount of land devoted to the secondary use in comparison to the amount of land devoted to the principle use;
- b) the size of the building housing the secondary use in relation to the sizes of building(s) accommodating the principle use;
- c) the nature of the secondary use itself and whether the use is operated by the owner of the property;
- d) the number of people employed by the secondary use in relation to the number of people employed by the principle use;
- e) the extent to which retail sales occur as a component of the secondary use; and,
- f) the amount of traffic generated by the secondary use in relation to the principle use on the property.

Local municipalities are encouraged to permit secondary uses in their Official Plans and implementing zoning by-laws as appropriate.

The proposed use will be secondary to the primary use which is residential.

The use will take place in the shop which is located at the rear of the property.

The size of the shop with it's current floor area is required due to the nature of the use.

The business is operated by the owner who resides on the property and his son.

The business will limited to only one person not living on the property.

There will be no retail use associated with this business.

There will be limited traffic generated by this business.

# Planning Justification Report – Jim Stannard MV

## 5.0 Malahide Official Plan

The Malahide Official Plan designates the subject lands "Agriculture"; the following policies apply to this application.

Malahide Official Plan	Comments
<p><b>2.1 Agriculture Resources Rural Uses</b></p> <p><b>2.1.1 General</b></p> <p>2.1.1.1 Most of the planning area Township is rural agricultural in character and consequently the primary goals and policies of the Plan are designed to retain this type of environment. All other land uses are intended to be supportive of the Plan's major objective to maintain the productive agricultural land base.</p> <p>2.1.1.2 The basic policy framework guiding land use and development in rural agricultural areas in the Township of Malahide is as follows:</p> <p>a) The Township shall encourage the retention and active cultivation of all farmland by:</p> <p>i) Designating "Agriculture" as the primary land use in the rural agricultural areas of the Township with all other land uses as controlled exceptions.</p> <p>ii) Regulating all non-farm uses so that they do not preempt, restrict or conflict with agricultural uses.</p> <p>b) The Township shall encourage the growth of agriculturally related industries and commercial activities that are limited in scale and compatible with surrounding agricultural operations compatible with the rural agricultural character of the area and provide a source of employment.</p>	<p>The subject lands are designated <b>Agriculture</b> in the Malahide Official Plan.</p> <p>Agricultural uses are the primary uses of lands within the Agriculture designation.</p>

# Planning Justification Report – Jim Stannard MV

## 2.1.2 Land Use

**2.1.2.1** The “Agriculture” designation shown on Schedule “A1”, the Future Land Use Plan of the Township of Malahide Official Plan shall apply to prime agricultural areas in the Township.

**2.1.2.2** Agricultural uses will be permitted and encouraged in the “Agriculture” designation. Agriculture-related uses and secondary uses will also be permitted in the “Agriculture” designation provided they are compatible with agricultural uses and do not contribute to land use conflicts. These uses may include surplus farm dwellings on separate lots and farm-related industrial and commercial uses which are small scale and directly related to the farm operation and are required in close proximity to the farm operation, where a farm operation is defined as one or more parcels of land operating under same ownership. Lots for these types of uses will be created in conformity with the policies of this Official Plan. These uses may be zoned to reflect their Agriculture/Residential character. Farm-related industrial and commercial uses will also be zoned in a special category to reflect their agriculture-related characteristics.

Secondary uses which include home occupations are permitted in the Agriculture designation. These uses must be compatible with agriculture and not create land use conflicts.

# Planning Justification Report – Jim Stannard MV

## 6.0 Malahide Zoning By-Law, as amended

The following zone regulation apply to the subject lands:

Malahide Zoning By-law 18-22	Comments
<p>Rural Residential Zone (RR).</p> <p>Residential uses are permitted.</p> <p>Home occupations are permitted</p> <p><b>Zone Provisions: Minimum</b></p> <p>Area: 2000m<sup>2</sup>  Frontage: 30m  Front Yard Setback: 10m  Side yard setback: 3m  Rear yard : 10m  Lot coverage: max of 30%</p> <p><b>5.3.4 Home Occupations</b></p> <p>The following provisions shall apply to home occupations:</p> <p>a) shall be permitted only within a dwelling, or within an accessory building;</p> <p>b) the floor area of the dwelling including the basement area used for the home occupation shall not exceed twenty-five (25) percent of the floor area of the dwelling or forty (40) square metres, which ever is the lesser;</p> <p>c) the floor area of the accessory building used for the home occupation shall not exceed one hundred (100) square metres;</p> <p>d) the external character of the dwelling as a residence shall not change or a nuisance, particularly in regard to noise, odour, traffic or parking shall not be created;</p> <p>e) outside storage shall only be permitted in an interior side yard or a rear yard provided it does not exceed a contiguous area of one hundred</p>	<p>There is an existing dwelling on the lot.</p> <p>There is an existing home occupation taking place within the accessory shop located at the rear of the property.</p> <p>The subject lands have a lot area of 3098.88m<sup>2</sup> and a frontage of 49.99m</p> <p>The existing lot and house comply with the zone provisions with one exception as set out below.</p> <p>The proposed use will be located within an accessory building located at the rear of the property.</p> <p>n/a</p> <p>The floor area of the existing shop is 178.83m<sup>2</sup>.</p> <p>Relief from the maximum floor area for a home occupation will be needed through the granting of a minor variance as applied for.</p> <p>There is some storage of trucks waiting for service or being ready to be picked up.</p>



# Planning Justification Report – Jim Stannard MV

<p>(100) square metres;</p> <p>f) the maximum number of persons engaged in the home occupation but who reside on a lot other than the lot on which the home occupation is conducted shall be limited to one (1).</p> <p><b>2.98 HOME OCCUPATION</b></p> <p>shall mean an occupation, accessory to a residential use, for gain or support and owned, managed and conducted by persons residing on the lot on which the home occupation is conducted along with those persons whom reside elsewhere as may be specified herein. Where a home occupation is permitted within a dwelling, such uses may include the offices, workrooms or consulting rooms of a business profession, trade, craft or hobby but such uses do not include or permit group instruction or a retail store with the exception of the sale of arts, crafts and other hand made articles or things. Where a home occupation is permitted within an accessory building, such uses may also include a carpentry shop, a welding shop, a machine shop, a service shop or a contractors' yard or shop.</p>	<p>Only one person not residing on the property is employed by the business.</p> <p>The existing home occupation being the repair of trucks and restoration of farm equipment falls within the definition of a home occupation as defined in the zoning by-law.</p>
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## 7.0 Conclusions

The proposal for a minor variance must meet the tests as set out under section 45(1) of the Planning Act.

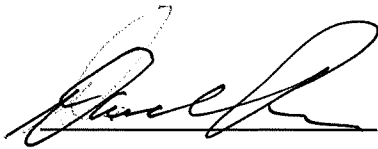
1. Is the proposed variance desirable for the appropriate use in the land or building? In my opinion I believe that the use of the additional floor area is appropriate and minor in nature and does not adversely affect the use of the lands or adjoining property.
2. Does the proposed use of the additional floor area maintain the general intent of the Official Plan and the Zoning By-law? In my opinion it does as the policies of the Official Plan and the provisions of the zoning by-law are being maintained as home occupations are a permitted use as set out in both the official plan and zoning by-law with limitations intended to reduce any potential negative impacts on the subject lands or adjacent properties. In my opinion the use of the additional floor area will not have a negative impact on the subject lands or the adjacent properties. The Committee of Adjustment can if desired require fencing or screening if they feel such is necessary.

The use of the existing shop for a home occupation is permitted within the RR Zone. There does not appear to be any issues related to a land use conflict with the existing home occupation and the neighbouring residential properties. The yard appears to be quite clean and orderly.

## Planning Justification Report – Jim Stannard MV

It is my opinion that the proposal meets the tests for a minor variance as set out under Section 45(1) of the Planning Act and represents good planning and is consistent with the intent of the Provincial Policy Statement and policies of both the Elgin County Official Plan and the Township of Malahide Official Plan and the Township of Malahide Zoning By-law 18-22.

I respectfully recommend that the Committee of Adjustment approve this minor variance application.

A handwritten signature in black ink, appearing to read 'David Roe', is written over a horizontal line.

**David Roe, MCIP, RPP**

**Civic Planning Solutions Inc.**

**Dated: April 18, 2023**



## Report to Council

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**REPORT NO.:** DS-23-16

**DATE:** June 1, 2023

**ATTACHMENT:** Application and associated attachments, and By-law

**SUBJECT:** **ZONING BY-LAW AMENDMENT APPLICATION OF THE MOUNT SALEM COMMUNITY CHURCH (AUTHORIZED AGENT: BARIBEAU CONSTRUCTION LONDON LTD.)**

**LOCATION:** Concession 3, North Part of Lot 21 (6576 Springfield Road, Mount Salem)

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### Recommendation:

**THAT Report No. DS-23-16 entitled “Zoning By-law Amendment Application of Mount Salem Community Church BaribEAU Construction London Ltd.” be received;**

**AND THAT the Zoning By-law Amendment Application No. D14-Z06-23 of the Mount Salem Community Church, relating to the property located at Concession 3, North Part of Lot 21, and known municipally as 6576 Springfield Road, BE APPROVED for the reasons set out in this Report.**

### Background:

The subject Zoning By-law Amendment Application (the “Application”) has been submitted by BaribEAU Construction London Ltd. on behalf of the Mount Salem Community Church to rezone the subject lands from “Institutional (I)” to “Institutional – Site Specific (I-3)” in order to add a recreational facility as a permitted use. The application proposes site-specific provisions to permit a reduced interior side yard setback of 1.2 metres, permit parking for the recreation facility to be provided at a rate of 1 space per 50 m<sup>2</sup>, and permit 47 parking spaces to be provided on the abutting lands to the south.

The Application relates to the property located at Concession 3, North Part of Lot 21, more particularly described as being Part of Part 1 on RP 11R-7073, and known municipally as 6576 Springfield Road.

Notice of the Application has been circulated to agencies and registered property

owners as prescribed and regulated by the Planning Act, RSO 1990, and the Malahide Official Plan, including posting notice in two recent issues of the Aylmer Express.

### **Comments/Analysis:**

The subject lands are approximately 2.2 hectares (5.6 acres) in area, approximately 82 metres in frontage, and currently contain the Mount Salem Christian Church, as well as five classroom portables used for the Mount Salem Christian School. The subject property is bounded by vacant institutionally-zoned land to the south, agricultural land to the east, residential and agricultural uses to the north, and Springfield Road to the west.

Based on information provided within the application, the owners are proposing to establish a privately-funded recreational facility for public use, including a sports field and courts, towards the rear of the property behind the existing church. The classroom portables are proposed to be relocated to the property to the south, which is being developed concurrently for a Christian school associated with the Church. The proposal would include on-site parking to be shared between the Mount Salem Church and the proposed recreational facility.

### **Provincial Policy Statement (PPS)**

The PPS 2020 encourages the development of healthy, liveable, and safe communities through the provision of a range of uses including institutional and recreational uses (s. 1.1.1b). The PPS directs the wise use of land and resources, promotes efficient development patterns and the provision of green spaces, and ensuring the effective use of infrastructure and public service facilities (s. 1.1.3). The proposed use would be located within a settlement area, which are to be the focus of growth and development, and would represent an efficient use of land and resources (s. 1.1.3.1, 1.1.3.2). The application is consistent with the policies of the PPS.

### **County of Elgin Official Plan**

The subject property is designated “Tier 3 - Mount Salem” on Schedule ‘A’, Land Use Plan and is identified as having frontage along a “County Collector” on Schedule ‘B’, “Transportation Plan”. Tier 3 settlement areas are generally the smallest communities in the County, are predominately residential in function, and do not have any municipal services. The Official Plan generally directs that the character of these settlement areas is to be maintained and encourages the development of diverse, livable, safe, thriving and attractive communities (s. A3.3).

It is the goal of the Official Plan to provide opportunities for the provision of a broad range of community, recreational and institutional uses and facilities to serve the needs of the County’s residents (s. A3.8).

The proposed development would add recreational amenities to the community of Mount Salem. The application conforms to the policies of the Official Plan.

### **Malahide Official Plan**

The subject property is designated “Hamlet” on Schedule ‘A1’ (Land Use Plan). Permitted uses within the “Hamlet” designation include residential uses, variety stores, small commercial and industrial uses and institutional uses (s. 4.3.1.2). The Official Plan directs that non-residential uses, including private small-scale institutions, shall be consolidated into clusters wherever possible (s. 4.3.2.1). The location and site design of these uses shall provide for off street parking, landscaping, and adequate buffering (s. 4.3.2.1). The proposed recreational facility would be located within a cluster of proposed and existing institutional uses, including the Mount Salem Church and the proposed Mount Salem Christian School to the south. It is noted that the proposed development will be subject to Site Plan Control to regulate matters relating to buffering, landscaping, on-site parking, and the provision of services.

### **Malahide Zoning By-law No. 18-22**

The subject property is within the “Institutional (I) Zone” on Key Map L of Schedule “A” to the Township’s Zoning By-law No. 18-22, and a portion of the subject property is identified as being within the “Hazard Land Overlay”. As previously noted, the application proposes to rezone the subject lands to a site-specific institutional zone to permit the recreational facility use, as well as site-specific provisions.

The purpose of the interior side yard setback is to ensure that there is sufficient separation between buildings and lot lines, as well as ensure access to the rear yard of a parcel. There are no anticipated impacts on the abutting property to the south and adequate separation would be maintained with the minor reduction of the side yard setback. It is noted that providing a larger setback on the north side of the building would be appropriate to provide greater separation from adjacent residential uses and lands designated for future residential development.

Section 4.24 of the Zoning By-law does not contain specific parking requirements for a recreational facility. The Planning Justification Report submitted with the application recommends a parking rate of 1 space per 50 m<sup>2</sup>. The Report notes that the proposed use is similar to a ‘paintball park’ use which may require a large outdoor playing field and also has a parking requirement of 1 space per 50 m<sup>2</sup>. Section 4.24.3 of the Zoning by-law requires parking spaces to be provided on the same lot as the related use, building, or structure. The intent of this requirement is to ensure the required parking spaces are able to meet the parking needs of a permitted use being in close proximity to any buildings or structures. The application also proposes the provision of 47 parking spaces to be provided on the adjacent institutionally zoned property to the south via an easement. The location of parking spaces on the abutting parcel would be appropriate as the parking spaces are proposed immediately adjacent to the subject lands and would remain in close proximity to the proposed development.

The table below identifies the development standards within the Zoning By-law for the lands zoned 'Institutional (I)' as they relate to the proposed development.

**Table 1. Institutional (I) Zone Requirements**

<b>Zoning Provision</b>	<b>Required:</b>	<b>Proposed:</b>
Min. Lot Area	1850 m <sup>2</sup>	23,380 m <sup>2</sup>
Min. Lot Frontage	30 m	84.2 m
Min. Local Road Setback	28 m	152.7 m
Min. Front Yard	6 m	Church – 14 m
Min. Interior Side Yard	2 m	9 m (North) 1.2 m (South)
Min. Rear Yard	7.5 m	41.3 m
Max. Lot Coverage	40%	27%
Max. Height	12 m	12 m
Min. Landscaped Open Space	30%	49.2%
<b>Buffer Strips</b>		
Between Institutional and Residential Zones	3.0 m	3.0 m
<b>Municipal Drain Setback</b>	18.5 m	Greater than 18.5 m
<b>Parking Requirements</b>		
Place of Worship	1 per 5 seats or the equivalent bench space or 1 per 10 m <sup>2</sup> where there is no fixed seating, whichever is the greater  100 spaces	
Recreational Facility	1 per 50 m <sup>2</sup> 107 spaces	
<b>Total</b>	<b>207 spaces</b>	

## Public/Agency Comments Received

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:

- The Catfish Creek Conservation Authority (CCCA) (dated May 12, 2023) has no objections to the application. The CCCA has noted that any works within the regulated area along the easterly boundary would require written authorization and/or permit pursuant to the Conservation Authorities Act.
- Township of Malahide - Facilities Manager: The Facilities Manager has noted that the proposed facility would fit with the direction of the Township's Parks & Recreation Master Plan (endorsed by Council in 2021). The Master Plan notes trends relating to recreation uses including the development of multi-use facilities, community hubs, and partnerships and collaboration. The proposed use would align with these trends. Staff have also commented that the Township would benefit from this development as there would be no capital costs incurred and the proposed development would meet needs within the community for additional recreational amenities.
- There have been no comments received from the general public as of the date of submission of this report.

## Financial Implications to Budget:

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

## Relationship to Cultivating Malahide:

The Cultivating Malahide Integrated Community Sustainability Plan (ICSP) is based upon four pillars of sustainability: Our Land, Our Economy, Our Community, and Our Government.

Submitted by:	Reviewed by:
Eric Steele, BES Monteith Brown Planning Consultants, <u>Consulting Planner for the Township</u>	Jay McGuffin, MCIP, RPP Monteith Brown Planning Consultants Vice President & Principal Planner

Approved by:
Adam Betteridge, MCIP, RPP Chief Administrative Officer

# APPLICATION FOR AMENDMENT TO THE ZONING BY-LAW OF THE TOWNSHIP OF MALAHIDE

**Note:** This application must be filed in duplicate with the Clerk of the Township of Malahide.

**To:** The Clerk of the Township of Malahide

**I HEREBY SUBMIT THIS** application to amend the **Zoning By-law** of the Township of Malahide with respect to the lands herein described. This Application is accompanied by a deposit payment in the amount of **\$4000.00**.

**I, the Applicant,** acknowledges that if a Local Planning Appeal Tribunal Hearing is required, an additional deposit of **\$10,000.00** will be submitted to the Township of Malahide prior to the Township sending the notice to the Local Appeal Tribunal. The actual expenses related to the Local Appeal Tribunal hearing shall be calculated and 50% of the costs will be deducted from the said deposit. Any balance remaining will be refunded.

**I, the Applicant,** shall assume responsibility for any additional costs exceeding the deposited amounts related to the said application and the Local Appeal Tribunal hearing and understand and agree that for payment of said additional costs shall be a condition of this signed application. I also agree to accept all costs as rendered.

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**Property Owner**

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**Property Owner**

**FOR OFFICE USE ONLY**

<b>DATE RECEIVED:</b>	<b>AMOUNT RECEIVED:</b>
<b>FILE NO:</b>	<b>DATE ADOPTED BY COUNCIL:</b>



## ASSOCIATED PLANNING COSTS

The Application fee paid is a **deposit** towards the actual costs which shall be incurred by the Township during the review and approval process.

The Applicant will be billed for the difference between the actual costs incurred and the deposit. If the deposit exceeds the actual cost, a refund will be made.

There is **no guarantee** that any application considered will be approved. An Applicant can spend his (her) money for the planning review process and still not be able to do what they desire.

Basic steps are established in the Planning Act and associated regulations. They include: a notice, review, consultation, public meeting, and Council decision. Major amendments will be subject to a more demanding and complex planning review process which will be reflected in the final costs paid.

Fees shall be based on municipal staff time, consultant fees (planners) and associated costs and disbursements needed to carry out the review of the planning application. **Basically, all costs from the conception of the application up to the decision of Council including posting notification are at the expense of the Applicant. If you wish to discontinue, you must notify the Township in writing and you will be responsible for all costs to that time and any costs to terminate the process you have set in motion.**

### Example – 2005 Costs

Municipal Staff billed out at following rates (subject to change)

CAO/Clerk: \$ 58.99 per hour

Assistant Clerk: \$ 36.38 per hour

Other: Disbursements including advertising, fax, photocopies, postage, prints, mileage, delivery service, telephone calls, etc.

Consultant fees billed out at following rates (Subject to change)

Senior Planner: \$147.00 per hour

Secretary: \$63.00 per hour

Other: Disbursements including advertising, fax, photocopies, postage, telephone calls, delivery service, prints, mileage, special reports, etc.

**FURTHER to my signed Affidavit, I acknowledge that there are associated costs for this application and agree to accept the Planners bills as rendered. All accounts are due when rendered. All overdue amounts are subject to penalty of 18% per annum.**

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Registered Owner/Authorized Agent

## LETTER OF AUTHORIZATION

**(SAMPLE)**

(date)

TOWNSHIP OF MALAHIDE  
87 John St. S.  
Aylmer, ON N5H 2C3

**Attention: Development Services**

**Re: Application for (application type)**  
**John Doe – 1234 Concession Road**

I am the registered owner of the lands which are the subject of the above described application. Please consider this correspondence as my authorization for .....  
(name) ..... to act on my behalf on all matters with respect to the accompanying application as well as any related planning applications.

Yours truly,

John Doe

Township of Malahide  
Application for Rezoning

**1. Registered Owner's Name:**Mount Salem Community ChurchAddress: 6576 Springfield Road, Aylmer Ontario N5H 2R5Phone No.  
(Home): \_\_\_\_\_Business: (519) 773-8569

Fax: \_\_\_\_\_

Email: malahideathleticcentre@gmail.com

Lot and Concession (if applicable): \_\_\_\_\_

**Are there any other holders of mortgages, charges or other encumbrances of the Subject Lands? If so provide the names and addresses of such persons.****2. Applicant / Authorized Agent:**Baribeau Construction London LtdAddress: 10 Stardust Dr. Dorchester OntarioTelephone No.: 519-268-8343

Fax: \_\_\_\_\_

**Please specify to whom all communications should be sent:**

Registered Owner ( )      Applicant / Authorized Agent (✓)

**3. Legal Description of the land for which the amendment is requested:**Concession: 3 Lot: 21

Reference Plan No: \_\_\_\_\_ Part Lot: \_\_\_\_\_

Street and Municipal Address No.: 6576 Springfield Road, Aylmer ON**What is the size of property which is subject to this Application?**

Area: \_\_\_\_\_ m Frontage: \_\_\_\_\_ m Depth: \_\_\_\_\_ m

**When were the subject lands acquired by the current owner?**1987**4. Existing Official Plan Designation:**Hamlet - Mount Salem

How does the application conform to the Official Plan?

Community use facility

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**5. Existing Zoning By-law Classification:**

Institutional

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**What are the current uses of the subject lands?**

Recreational / Community Use

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**If known, provide the length of time these uses have continued on this property.**

Dates?? Presume same time Church has been in use?

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**If there are any existing buildings or structures on the subject lands provide the following information:**

Type	Front Lot Line Setback	Side Lot Line Setbacks	Rear Lot Line Setback	Height	Dimensions
Church	17.3 m	10.2 / 31.9 m	220.1 m	Single Storey	+/- 5 m

**If known, provide the dates in which each of these buildings were constructed.**

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**6. What is the Nature and Extent of the Rezoning?**

Add Recreational use to the Institutional Zoning

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**7. Why is the rezoning being requested?**

There are no local facilities nearby.

The current ownership group has the space available and the community network to make good use of the facility once constructed.

8. Does the proposed Zoning By-law amendment implement a growth boundary adjustment of a settlement area? NO

If so, attach separately justification or information for the request based on the current Official Plan policies or associated Official Plan amendment.

9. Does the proposed amendment remove land from an area of employment? NO

If so, attach separately justification or information for the request based on the current Official Plan policies or associated Official Plan amendment.

10. Description of proposed development for which this amendment is requested (i.e. permitted uses, buildings or structures to be erected. (Be Specific)

Air-Supported Dome Structure for Recreational use with support building and parking

Recreational uses include but are not limited to: Soccer, baseball, football, volleyball, basketball, and pickleball

For any proposed buildings or structures on the subject lands provide the following information:

Type	Front Lot Line Setback	Side Lot Line Setbacks	Rear Lot Line Setback	Height	Dimensions
Dome and Support Building	140.2 m	9.7 / 2.0 m	42.2 m	Single Storey	+/- 8 m

11. Services existing or proposed for the subject lands: Please indicate with a ✓

Water Supply

Existing

Proposed

Municipal Piped Water Supply	(   )	(   )
Private Drilled Well	( <input checked="" type="checkbox"/> )	( <input checked="" type="checkbox"/> )
Private Dug Well	(   )	(   )
Communal Well	(   )	(   )
Lake or other Surface Water Body	(   )	(   )
Other	(   )	(   )

<b>Sewage Disposal</b>	<b>Existing</b>	<b>Proposed</b>
Municipal Sanitary Sewers	(   )	(   )
Individual Septic System	( <input checked="" type="checkbox"/> )	( <input checked="" type="checkbox"/> )
Communal System	(   )	(   )
Privy	(   )	(   )
Other	(   )	(   )

**Note: If the proposed development is on a private or communal system and generate more than 4500 litres of effluent per day, the applicant must include a servicing options report and a hydrogeological report.**

Are these reports  
attached?

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If not, where can they be  
found?

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### **Storm Drainage**

Provisions: Refer to Civil drawings and SWM Report

Proposed Outlet: Municipal drain at East of Property

## **12. How will the property be accessed?**

Provincial Highway (   )      County Road (   )      Municipal Road – maintained all year (   )

Municipal Road – seasonally maintained (   )      Right-of-way ( ☒ )      Water (   )

If access is by water, do the parking and docking facilities exist, and what is the nearest public road?

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**13. Has the subject land ever been the subject of an application under the Planning Act for:**

Plan of Subdivision (    )      Consent (    )

Zoning By-law Amendment (    )      Ministers Zoning Order (    )

**If yes to any of the above, indicate the file number and status of the application.**

N/A

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**14. How is the proposed amendment consistent with the Provincial Policy Statement 2005?**

Proposal is located within an existing settlement area and is complimentary to the existing facilities. The recreational facilities will help to encourage a healthier and more active community.

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**15. Are the subject lands within area designated under any Provincial Plan(s)? If the answer is yes, does the proposed amendment conform to the Provincial Plan(s)?**

None

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**17. The Owner is required to attach the following information with the application and it will form part of the application. Applications will not be accepted without the following.**

(a) A sketch based on an Ontario Land Surveyor description of the subject lands showing

- the boundaries and dimension of the subject lands;
  - the location, size and type of all existing and proposed buildings and structures, indicating their setbacks from all lot lines, the location of driveways, parking or loading spaces, landscaping areas, planting strips, and other uses;
-

- the approximate location of all natural and artificial features (buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that are on the subject lands, adjacent to the subject lands, or in the opinion of the applicant may affect the application;
  - the current uses of the land that is adjacent to the subject land;
  - the location, width, and name of any roads within or abutting the subject land, indicating where it is an unopened road allowance, a public traveled road, a private road, or a right-of-way;
  - the location of the parking and docking facilities to be used (if access will be by water only);
  - the location and nature of any easement affecting the subject land.
- (b) Written comments from the Elgin St. Thomas Health Unit, Long Point Region Conservation Authority and Ministry of Transportation (if applicable).
- (c) If a private sewage system is necessary, pre-consultation with the Chief Building Official is required about the approval process

**18. If this application is signed by an agent or solicitor on behalf of an applicant(s), the owner's written authorization must accompany the application. If the applicant is a corporation acting without an agent or solicitor the application must be signed by an officer of the corporation and the seal if any must be affixed.**

**19. Additional Information as required by Council**

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**20. If this application is to accommodate the consent of a surplus farm dwelling, please provide the following information:**

Date surplus farm dwelling was erected: \_\_\_\_\_

Please provide the assessment roll number, location, and zoning of the farm parcel with which the subject lands is being consolidated.

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### Municipal Freedom of Information Declaration

In accordance with the provisions of the Planning Act, it is the policy of the Township Planning Department to provide public access to all development applications and supporting documentation.

Personal information contained on this form is collected pursuant to the Planning Act, R.S.O. 1990, O.Reg 200/96 as amended and will be used for the purpose of determining permission for re-zoning. The personal information collected will be maintained in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56, as amended.

In submitting this development application and supporting documentation, I \_\_\_\_\_

\_\_\_\_\_

the owner/authorized applicant, hereby acknowledge the above-noted policy and provide my consent, in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, that the information on this application and any supporting documentation provided by myself, my agents, consultants and solicitors, will be part of the public record and will also be available to the general public.

I hereby authorize the Township of Malahide to post a Change of Use sign and municipal staff to have access to the subject site for purposes of evaluation of the subject application.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Day

\_\_\_\_\_  
Month

\_\_\_\_\_  
Year

I / We, \_\_\_\_\_, of the \_\_\_\_\_  
Name Town/Township/City/Village etc.

of \_\_\_\_\_, in the county \_\_\_\_\_, do solemnly declare:  
Municipality Name County Name

- (i) that I / We am / are the owner(s) of the lands described above
- (ii) that to the best of my / our knowledge and belief, all of the information and statements given in this application and in all exhibits transmitted are true.
- (iii) that I /we hereby appoint \_\_\_\_\_ to act as an Agent on my/our behalf in all aspects of this application.

And I / We make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the "*Canada Evidence Act*".

DECLARED BEFORE ME at the:

\_\_\_\_\_ of \_\_\_\_\_ Owner / Agent

in the County/Region \_\_\_\_\_ this \_\_\_\_\_

of \_\_\_\_\_

day of \_\_\_\_\_ 20 \_\_\_\_ .

\_\_\_\_\_ Owner / Agent

\_\_\_\_\_  
A Commissioner, etc.

# PLANNING OPINION REPORT

**6576 SPRINGFIELD ROAD, MOUNT SALEM  
TOWNSHIP OF MALAHIDE  
COUNTY OF ELGIN**

***PREPARED FOR:***

**BARIBEAU CONSTRUCTION**

## **ZONING BY-LAW AMENDMENT**



***PREPARED BY:***

**PATTERSON PLANNING CONSULTANTS INC.  
SCOTT J. PATTERSON, BA, CPT, MCIP, RPP  
PRINCIPAL**

**6095 LINE 66  
MONKTON, ONTARIO  
N0K 1P0  
PHONE: 519-577-9817**

**DATE: MARCH 2023  
PROJECT No.: 163**

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## 1.0 INTRODUCTION

Patterson Planning Consultants Inc. has been retained by Baribeau Construction who is acting on behalf of the property owner regarding the lands municipally addressed as 6576 Springfield Road in Mount Salem, Township of Malahide, County of Elgin. (the “Subject Lands”) Patterson Planning Consultants Inc. (“Patterson Planning”) has participated in Pre-consultation, and is responsible for providing a Planning Opinion regarding a Zoning By-law Amendment proposed for the Subject Lands.

Mount Salem is a rural community in the municipal Township of Malahide which is located in the upper tier municipality of the County of Elgin. The community focuses around the intersection of Elgin County Road 40 (Springfield Road) and Elgin County Road 45 (Calton Line). The community is 7.8km southeast of the Town of Aylmer.

The lands are located on the east side of Springfield Road south of the intersection of the two County roads. The Subject Lands are currently developed with the Mount Salem Community Church and portables associated with the Mount Salem Christian school. (the “School”)

Malahide Athletic Centre (with authorization from the Mount Salem Community Church) (the “Proponent”) are proposing to construct a recreational facility which is referred to as the Malahide Athletic Centre (“MAC”). This new facility would be located on the rear portion of the Subject Lands on an area that is currently vacant. A future school is also proposed on additional vacant lands to the south.

Patterson Planning has prepared this Planning Opinion Report on behalf of the owner in support of permitting the development of the subject lands for the MAC and to discuss proposed parking and access considerations. The Proponents are seeking a Zoning By-law Amendment to allow / recognize the permitted use of a recreational facility and to address other site specific related matters.

The Subject Lands are currently designated “Tier 3 Settlement Area” in the County of Elgin Official Plan, “Hamlet” under the Township of Malahide Official Plan and are zoned “Institutional (I)” in the Township of Malahide Zoning By-law No. 18-22.

This report has been authored to provide a review of the relevant planning context to form a “Complete Application” and to provide an opinion supporting the required amendment.

## 2.0 PRE-CONSULTATION

Pre-consultation was undertaken by the Proponent via Baribeau Construction and Patterson Planning with Township of Malahide staff and their consultants (Mr. Eric Steele of Monteith Brown Planning Consultants) on December 9, 2022. Follow up correspondence issued by the Township consultant on December 14<sup>th</sup>, 2022 confirmed that for the applications to be deemed complete a full submission would include:

1. Completed application forms and the prescribed fees
2. A Planning Opinion Report
3. A Site Plan

Additionally, given the proposal put forward by the Proponent a Consent application would be required for the creation of an access easement and an easement for parking. To support this application the necessary application form and fees would be required as well as a Site Plan / Survey.

Baribeau Construction has advanced detailed plans of the proposal which have also been submitted to the municipality as part of a Site Plan application. These plans have been utilized in the creation of this Planning Opinion Report. Site Plan approval will be required to support the development.

This Planning Opinion Report will provide an opinion on all the related planning policies including matters of Provincial Interest, the Provincial Policy Statement, 2020, the County of Elgin Official Plan, the Township of Malahide Official Plan and the Township of Malahide Zoning By-law as well as comments regarding the proposed Consent.

## 3.0 SITE DESCRIPTION

As noted, Mount Salem is located at the intersection of Elgin County Road 40 (Springfield Road) and Elgin County Road 45 (Calton Line). The subject property is located east of Springfield Road in the south-eastern area of the community. The municipal address is 6576 Springfield Road. The Proponent have an agreement with the Mount Salem Community Church to develop the MAC on their parcel of land which currently houses the existing church and school portables. The MAC is proposed to be developed to the east of these uses on vacant lands. A vacant portion of land to the south is owned by the tSchool. A portion of these lands is to also form part of the current proposal and would be used for a new shared access and parking. The Subject

Lands are outlined in their entirety in “red” on the image below. The “blue” line reflects the current division of the two ownerships.

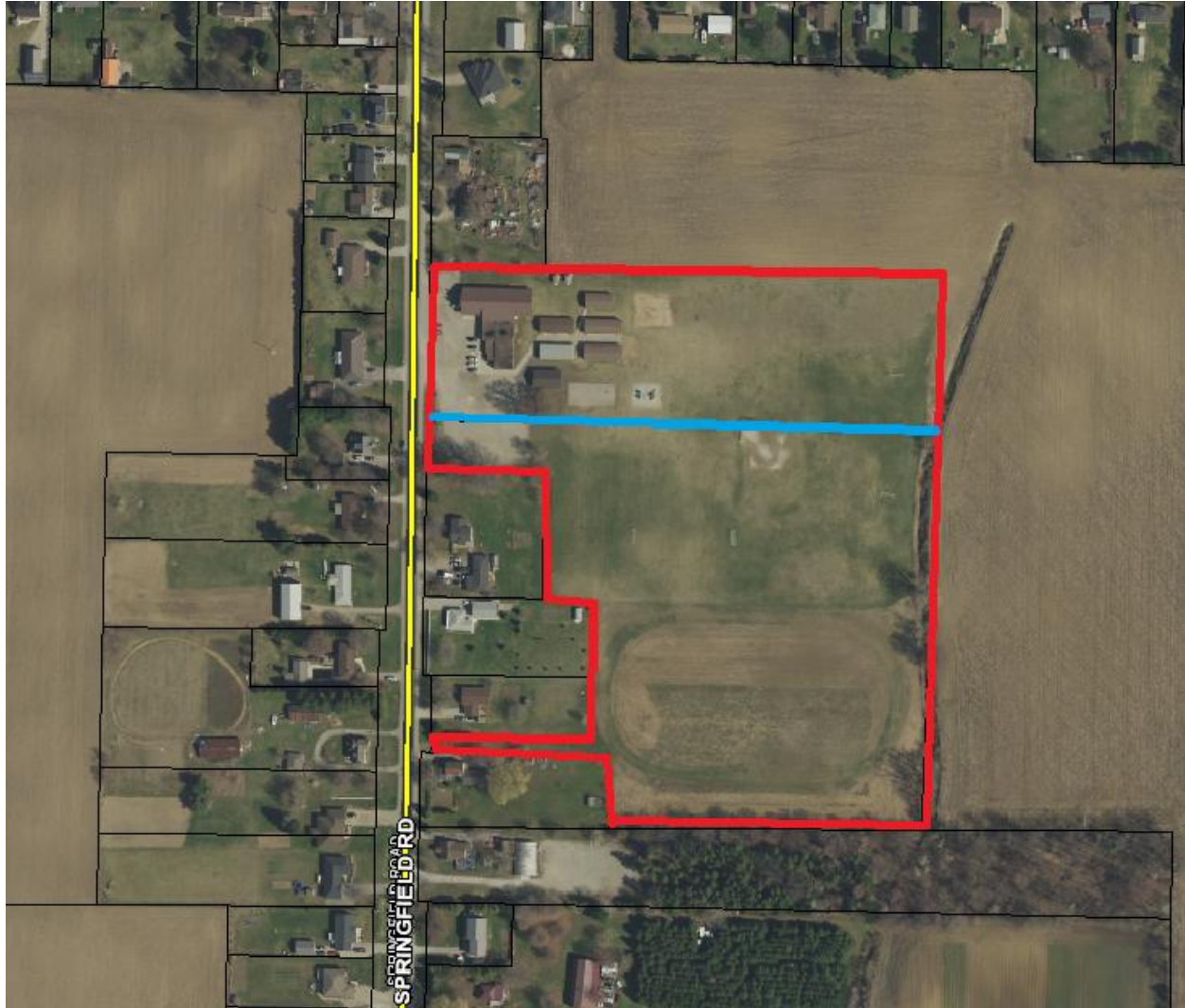


Figure 1: Aerial photograph showing the subject property. Source: Elgin Mapping GIS.

The 6576 Springfield Road property is legally described as CON 3 N PT Lot 21 and RP 11R-7073 PT Part 1. The Roll Number is 340800002006200.

The vacant parcel to the south is legally described as MALAHIDE CON 3 N PT LOT 21;RP 11R7521 PART 1 RP 11R8797;PART 1 and is Roll Number 340800002006220. The properties are outlined on the images



below for greater clarity.



Figure 2: 6576 Springfield Road. Source: Elgin Mapping GIS.



Figure 3: Vacant lands owned by the School. Source: Elgin Mapping GIS



The surrounding land uses can be described as follows:

**North** - Single detached dwellings front onto Calton Line further to the north. Immediately abutting the subject property is a single detached dwelling addressed as 6616 Springfield Road. Vacant lands that are used for farming also abut the property along its northern edge.

**East** – Lands to the east are outside of the Mount Salem community area and are used for farming purposes.

**South** – Immediately abutting the subject property to the south are lands owned by the School that will also be utilized as part of this development proposal. Single detached dwellings front onto Springfield Road to the south.

**West** – Immediately abutting the property to the west is Springfield Road. Residential land uses (single detached) are located on the west side of this roadway.

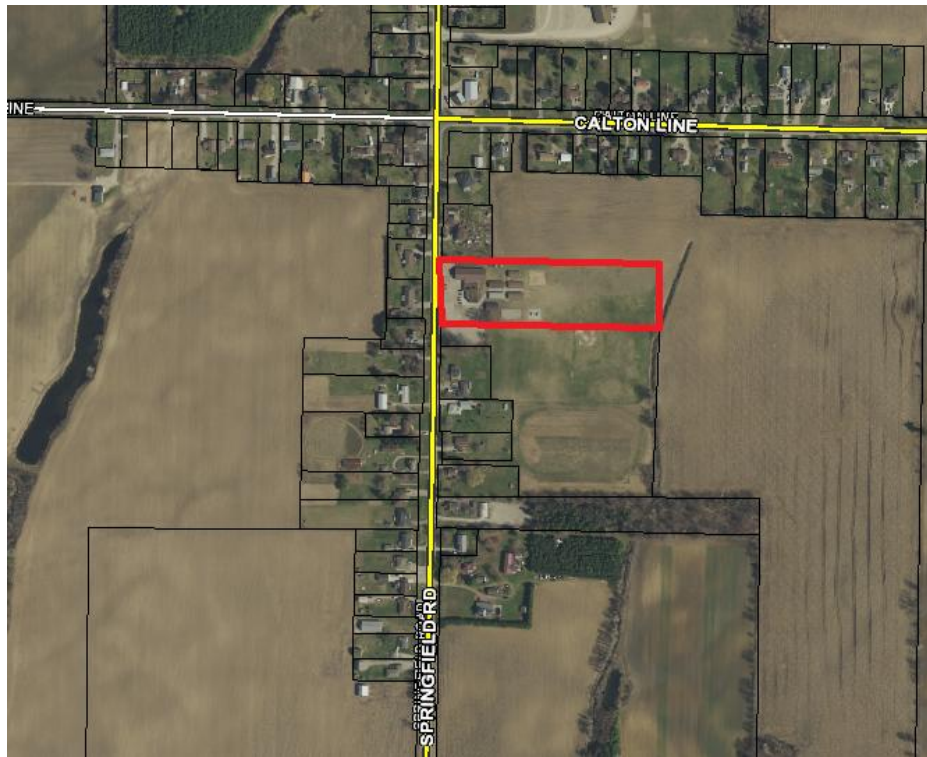


Figure 4: 2015 Aerial photograph showing the subject property and the larger surrounding area. Source: Elgin County GIS



Figure 5: Mount Salem Community Church on the subject property (Google Streetview Image 2021)



Figure 6: Springfield Road looking north with the Subject Lands on the right (Google Streetview Image)





Figure 7: Springfield Road looking south (Google Streetview Image)



Figure 8: Vacant lands owned by the School (Google Streetview Image)





Figure 9: Residential land uses to the west across Springfield Road (Google Streetview Image)

## 4.0 PROPOSAL

The Proponent is proposing to seek the necessary approvals to permit the subject property to be further developed with a recreational centre to be known as the Malahide Athletic Centre. The facility will consist of a fieldhouse / dome (5020m<sup>2</sup>) and an attached entryway (350m<sup>2</sup>). The facility will provide indoor sports fields. To support this facility an update to the existing entrance to the Mount Salem Community Church is proposed as well as a reworking of the existing parking area and the creation of new parking areas. It is proposed that the vacant lands to the south will also be incorporated to provide a new access that will be shared between the properties and to provide for additional parking opportunities. Eventually a future school is also proposed for the additional vacant lands to the south. . A copy of the proposed Site Plan and building images are provided in the figures below.

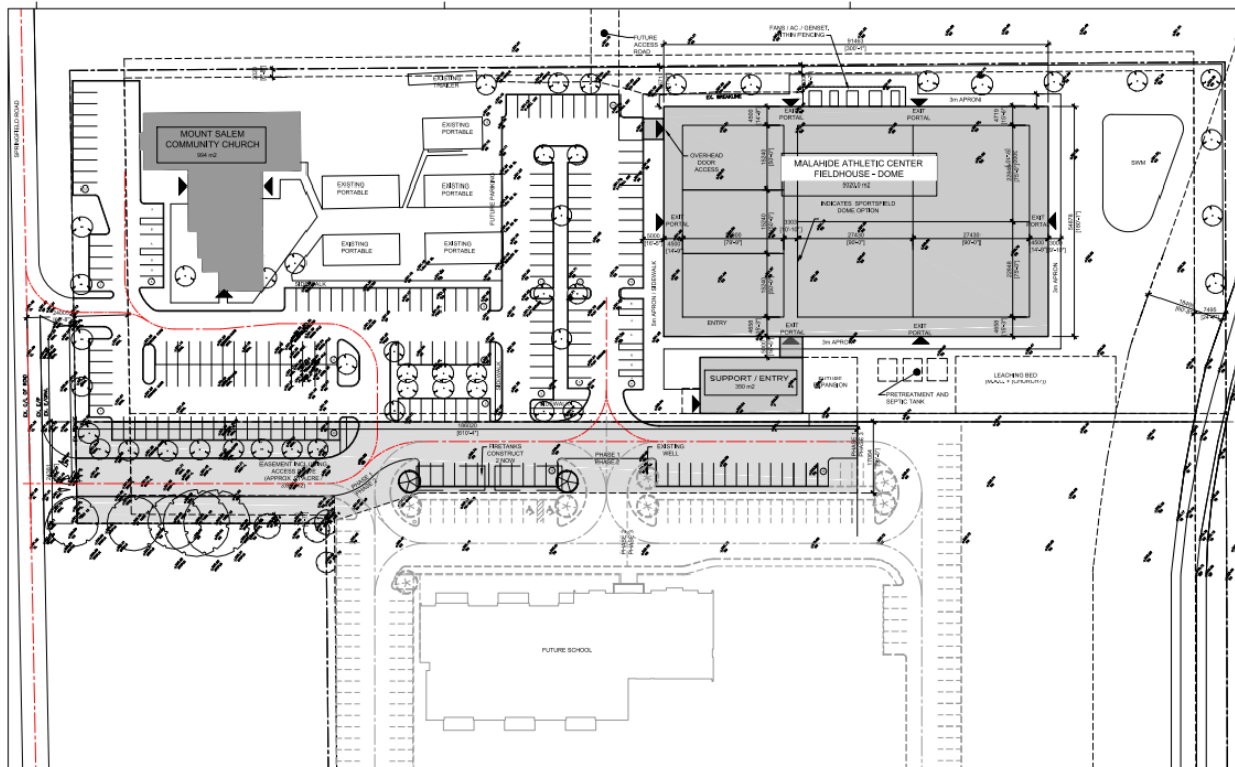


Figure 10: Proposed Site Plan (a+ Link Architecture Inc.)



Figure 11: Overall rendering (a+ Link Architecture Inc.)



Figure 12: West Elevation (a+ Link Architecture Inc.)

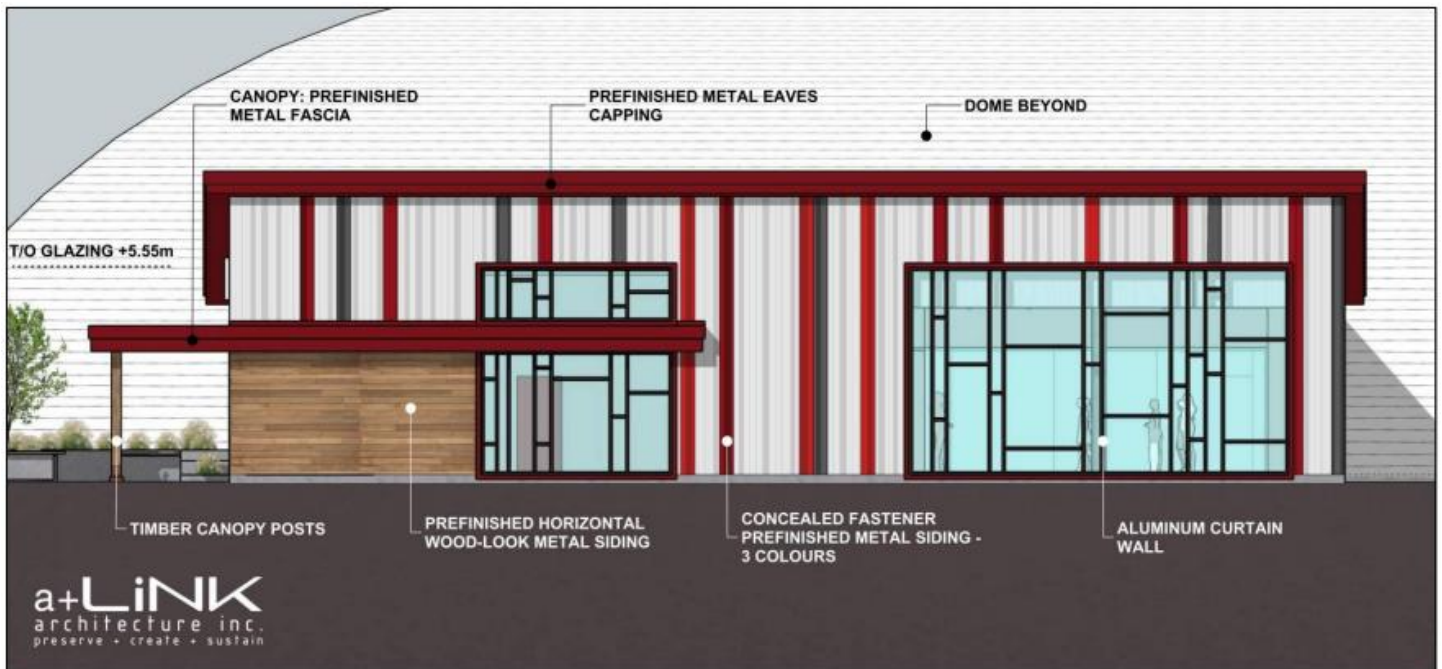


Figure 13: South Elevation (a+ Link Architecture Inc.)

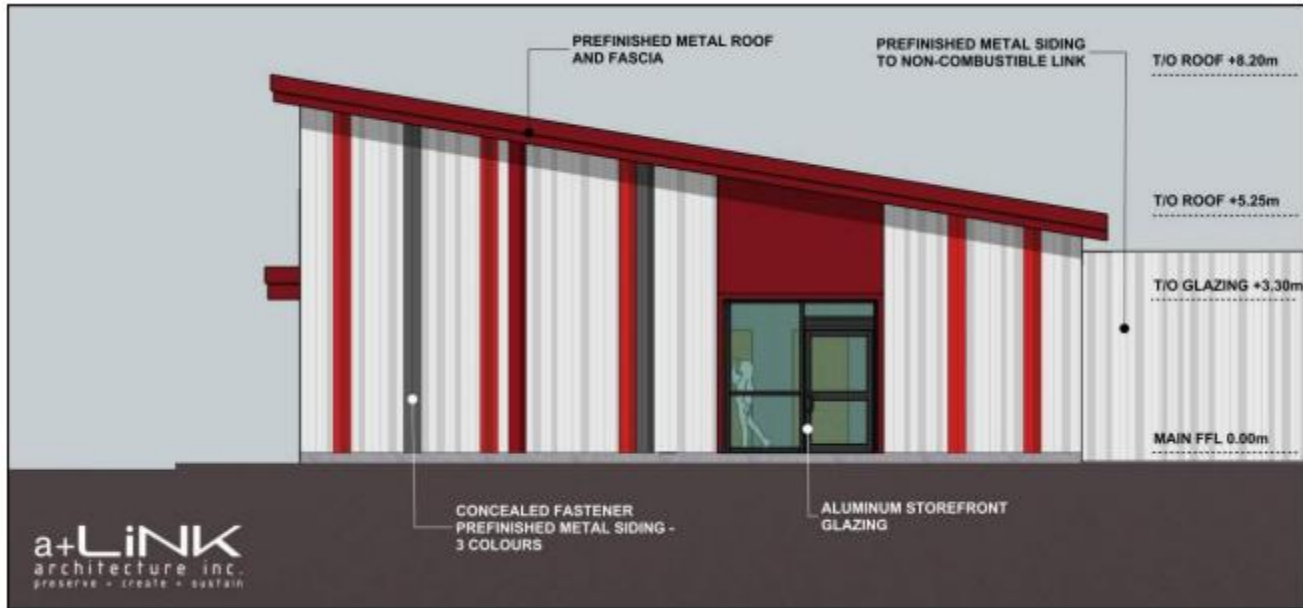


Figure 14: East Elevation (a+ Link Architecture Inc.)

Based on the proposal the following Zoning analysis has been completed. This analysis is based on the zoning remaining as “Institutional” with site specific permissions to allow the recreational use. The setbacks established in the existing “Institutional” zoning are intended to remain in effect and would be applicable to the proposed use.



	REQUIRED	CHURCH / MAC
LOT AREA (m²) (min.):	1,850.0 m² min. where sanitary sewers are not available	23,380 m² (2.34 ha)  EXISTING - NO CHANGE
LOT FRONTAGE (m) (min.):	30.0 m min.	84.2 m  EXISTING - NO CHANGE
SITE SETBACKS:		
FRONT YARD AND EXTERIOR SIDE YARD (m) (min.):	6.0 m	EXIST CHURCH = 14.0m
REAR YARD (m) (min.):	7.5m	41.3m
INTERIOR SIDE YARD (m) (min.):	2.0m	CHURCH: N=11.4m S=30.6 MAC: N=9.0m S=1.2
SETBACK (m) (min.): minimum distance from the centreline of a county road	24.0 m min.	EXIST. CHURCH : 25.3m MAC : 152.7m
MUNICIPAL DRAIN SETBACKS:	18.5 (<6.5m) 30.5m (>6.5m)	>18.5m
COVERAGE (%) (max.):	30%	27.0%
LANDSCAPED OPEN SPACE (%) (min.):	30.0 % of lot area	49.2%
BUILDING HEIGHT (m) (max.):	12.0m	12.0m
GROSS FLOOR AREA (m²):		EXIST CHURCH : 952.9 m² MAC FIELD : 5,020 m² MAC SUPPORT GR: 360 m² <hr/> TOTAL: 6,333 m²
BUILDING AREA (m²):		EXIST CHURCH : 952.9 m² MAC FIELD : 5,020 m² MAC SUPPORT GR: 360 m² <hr/> TOTAL: 6,333 m²



<b>PARKING:</b>  <b>STANDARD STALL:</b> 2.7 m x 5.5 m  <b>STANDARD DRIVEWAY WIDTH:</b> 6.7 m  <b>ACCESSIBLE PARKING:</b>  <b>B/F TYPE STALL SIZE (min.):</b> A: 3.4m x 5.5m B: 2.4m x 5.5m  <b>B/F ACCESS AISLE (min.):</b> 1.5 m x 5.5 m (SHARED)	<b><u>PARKING - REQUIRED:</u></b>  <b>PLACE OF WORSHIP:</b> 1 for every 5 fixed seats capacity, or 1 for each 10m <sup>2</sup> of floor  CHURCH <span style="float: right;">994 ÷ 10 = 100 spaces</span> MAC: <span style="float: right;">5370 ÷ 30 = 179 spaces</span> <hr/> <b>TOTAL:</b> <span style="float: right;">279 spaces</span>	
	<b><u>PARKING - PROPOSED REDUCTION:</u></b> MAC + CHURCH TIME OF USE ALLOW FOR SHARING REDUCE TO 25% FOR CHURCH -75 SPACES <hr/> <b>REQUIRE:</b> <span style="float: right;">279 - 75 = 204 spaces</span>	
	<b><u>PARKING - PROPOSED:</u></b>  CHURCH / MAC LANDS: <span style="float: right;">162 spaces</span> EASEMENT LANDS: <span style="float: right;">47 spaces</span> <hr/> <b>TOTAL:</b> <span style="float: right;">209 spaces</span>	
	<b><u>BARRIER-FREE PARKING:</u></b>  B/F SPACES PROPOSED AT 4% = 11 B/F spaces PROPOSED: 5A + 6B	

The Township of Malahide Zoning By-law No. 18-22 defines an “Institutional Use” as:

***“shall mean the use of land, buildings or structures or combination thereof for public or social purposes but not for the purpose of gain or profit and may include governmental, religious, educational, charitable, philanthropic or other similar but non-commercial uses.”***

The MAC can be considered a recreational / social use. The By-law defines a “Recreational Facility” as:

***“shall mean a building designed and intended to accommodate one or more leisure or sporting activities and shall include an arena, aquatic centre, tennis, squash and racquetball courts, dance studios and fitness centres.”***

The proponent is requesting permission for a site specific zoning to allow a recreational use on the subject land and to address site specific provisions for parking, setbacks and access.

## 5.0 PLANNING POLICIES

### 5.1 PLANNING ACT

Section 2 of the *Planning Act* establishes matters of provincial interest and states that “the Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- a) *The protection of ecological systems, including natural areas, features and functions;*
- b) *The protection of agricultural resources of the Province;*
- c) *The conservation and management of natural resources and the mineral resource base;*
- d) *The conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;*
- e) *The supply, efficient use and conservation of energy and water;*
- f) *The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*
- g) *The minimization of waste;*
- h) *The orderly development of safe and healthy communities;*
- i) *h.1) The accessibility for persons with disabilities to all facilities, services, services and matters to which this Act applies;*
- j) *The adequate provision and distribution of educational, health, social, cultural and recreational facilities;*
- k) *The adequate provision of a full range of housing, including affordable housing;*
- l) *The adequate provision of employment opportunities;*
- m) *The protection of the financial and economic well-being of the Province and its municipalities;*
- n) *The co-ordination of planning activities of public bodies;*

- o) The resolution of planning conflicts involving public and private interests;*
- p) The protection of public health and safety;*
- q) The appropriate location of growth and development;*
- r) The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*
- s) The promotion of built form that,*
- t) Is well-designed,*
- u) Encourages a sense of place, and*
- v) Provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;*
- w) The mitigation of greenhouse gas emissions and adaptation to a changing climate.”*

I am of the opinion that the Application has regard for the matters of provincial interest set out in Section 2 of the *Planning Act* and does not conflict with the matters of provincial interest as the development will be a well-designed built form in an area that has been identified for growth and development, and represents orderly and efficient development.

## **5.2 PROVINCIAL POLICY STATEMENT (2020)**

The 2020 Provincial Policy Statement (PPS) was issued by the Province under Section 3 of the *Planning Act* and came into effect on May 1, 2020. The PPS is applicable to all applications made under *The Planning Act* after this date. The PPS is a comprehensive statement of Provincial Policies and matters of Provincial interest related to land use planning and development. Its main objective is to achieve efficient land use and development patterns; to support sustainability by promoting strong, livable, healthy and resilient communities; to protect the environment and public health and safety; and facilitate economic growth. All applications submitted under the *Planning Act* after May 1, 2020 are required to be ‘consistent’ with the PPS in order to advance.

The PPS is to be read in its entirety and there are numerous sections of the PPS that provide direction for the location of development and intensification. The policies of the PPS may be complemented by provincial plans or by locally-generated policies regarding matters of municipal interest. Provincial plans and municipal official plans provide a framework for comprehensive, integrated, place-based and long-term planning that supports and integrates the principles of strong communities, a clean and healthy environment and economic growth for the long term.

As will be discussed further in this report, the Subject Lands are currently designated “Tier 3 Settlement Area” in the County of Elgin Official Plan and “Hamlet” under the Township of Malahide Official Plan.

The Subject Lands are considered as being within a Settlement Area which are urban areas and rural settlement areas that include cities, towns, villages and hamlets and are therefore subject to the policies of Section 1.1.3 of the PPS.

For clarity the PPS defines Settlement Areas as follows:

*“means urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that are:*

- a) built-up areas where development is concentrated and which have a mix of land uses; and*
- b) lands which have been designated in an official plan for development over the long-term planning horizon provided for in policy 1.1.2. In cases where land in designated growth areas is not available, the settlement area may be no larger than the area where development is concentrated”*

**The proposal to amend the zoning for the property to permit a recreational facility use will occur on lands which are designated in an Official Plan for urban land uses for the long-term planning horizon. The context of the subject property, as bore out through this report, is a suitable location for the proposed use.**

Section 1.1.3 of the PPS notes that the *“vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.”*

Policy 1.1.3.1 notes *“Settlement areas shall be the focus of growth and development.”*

**The proposed development is in a settlement area which has been designated as one of the areas for growth for the Township of Malahide.**

Policy 1.1.3.2 notes *“Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

*a) efficiently use land and resources;*

**The proposed use of the property for a recreational facility and improvements to the existing church will provide an opportunity to continue to utilize the lands in an efficient manner and implement the Official Plan through a form of development appropriate for this area. Private services (water, sanitary and storm) will be utilized**

*b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*

**The proposed use will connect into an established road network for the area and will utilize private services. Expansion of infrastructure is not proposed in an unjustified manner.**

*c) minimize negative impacts to air quality and climate change, and promote energy efficiency;*

**The proposed use would promote energy efficiency by being located within an established settlement boundary utilizing private services.**

*d) prepare for the impacts of a changing climate;*

**The proposed use has incorporated modern practices and has been designed in an appropriate manner.**

*e) support active transportation;*

**The proposed use may require the use of the automobile due to its geographic location and nature of the business.**

*f) are transit-supportive, where transit is planned, exists or may be developed; and*

**Transit service is not available within the Mount Salem area.**

*g) are freight-supportive.*

**The proposed use will not require freight deliveries and will have no impact on freight requirements of the area.**

*Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.*

**The proposed amendment would allow for the intensification of an underutilized property with an appropriate development.**

The following policies are also relevant when reviewing Section 1.

Section 1.1 of the PPS provides the overall intent and states that, *“Healthy, livable and safe communities are sustained by: accommodating an appropriate mix of residential and other land uses; avoiding development and other land use patterns which may cause environmental or public health and safety concerns; and promoting cost-efficient development patterns etc.”*

**1.1.1: “Healthy, livable and safe communities are sustained by:**

- (a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- (b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- (c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- (d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*

- (e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;*
- (f) improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society;*
- (g) ensuring that necessary infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities are or will be available to meet current and projected needs; and*
- (h) promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate.*

**I believe the proposal to rezone the property is consistent with these policies. In summary, the proposal is for a site specific zoning that will facilitate the development of a recreational facility on the Subject Lands that are situate in a settlement area. It is my opinion that there are no consistency issues with this proposal as it relates to the Provincial Policy Statement, 2020.**

### **5.3 COUNTY OF ELGIN OFFICIAL PLAN**

The County of Elgin Official Plan (Consolidated Version February 2015) reflects Official Plan of the County of Elgin that was approved with modifications on October 9, 2012 by the Ministry of Municipal Affairs and Housing.

Mount Salem is identified as a “Tier 3 Settlement Area”.

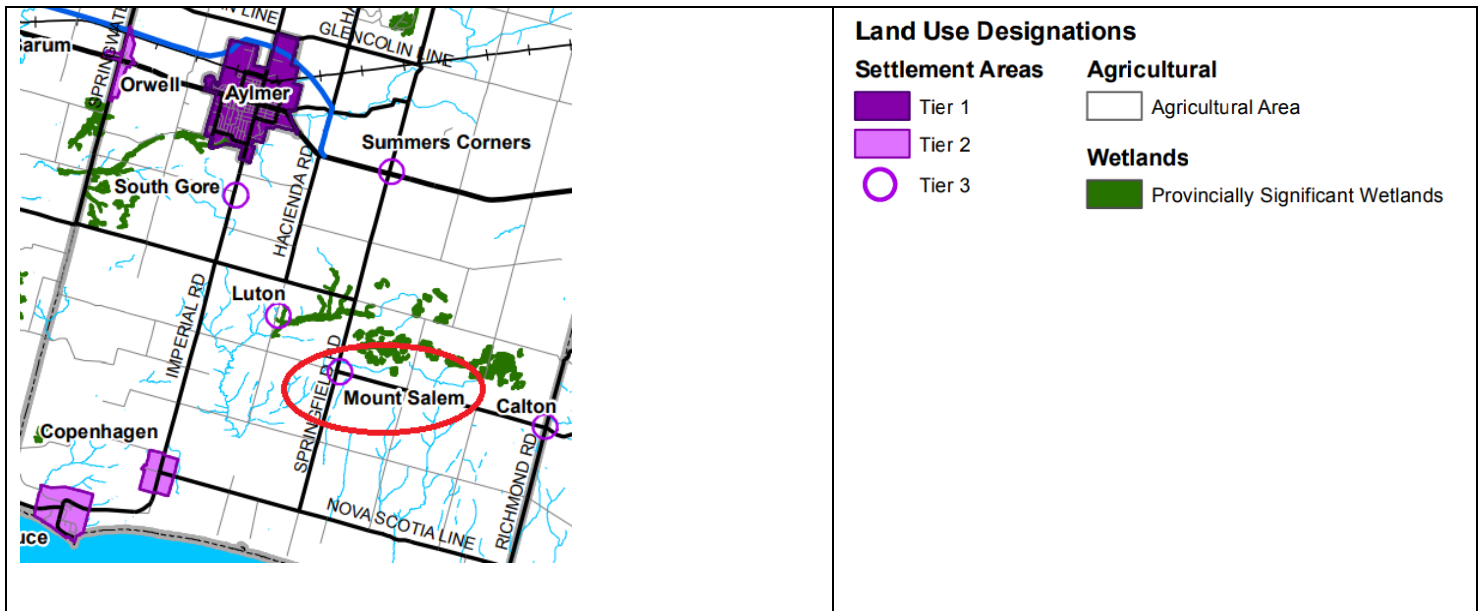


Figure 15: Schedule 'A' Land Use - County of Elgin Official Plan

Further, Springfield Road (County Road 40) is identified as a County Collector Roadway on Schedule 'B' Transportation.

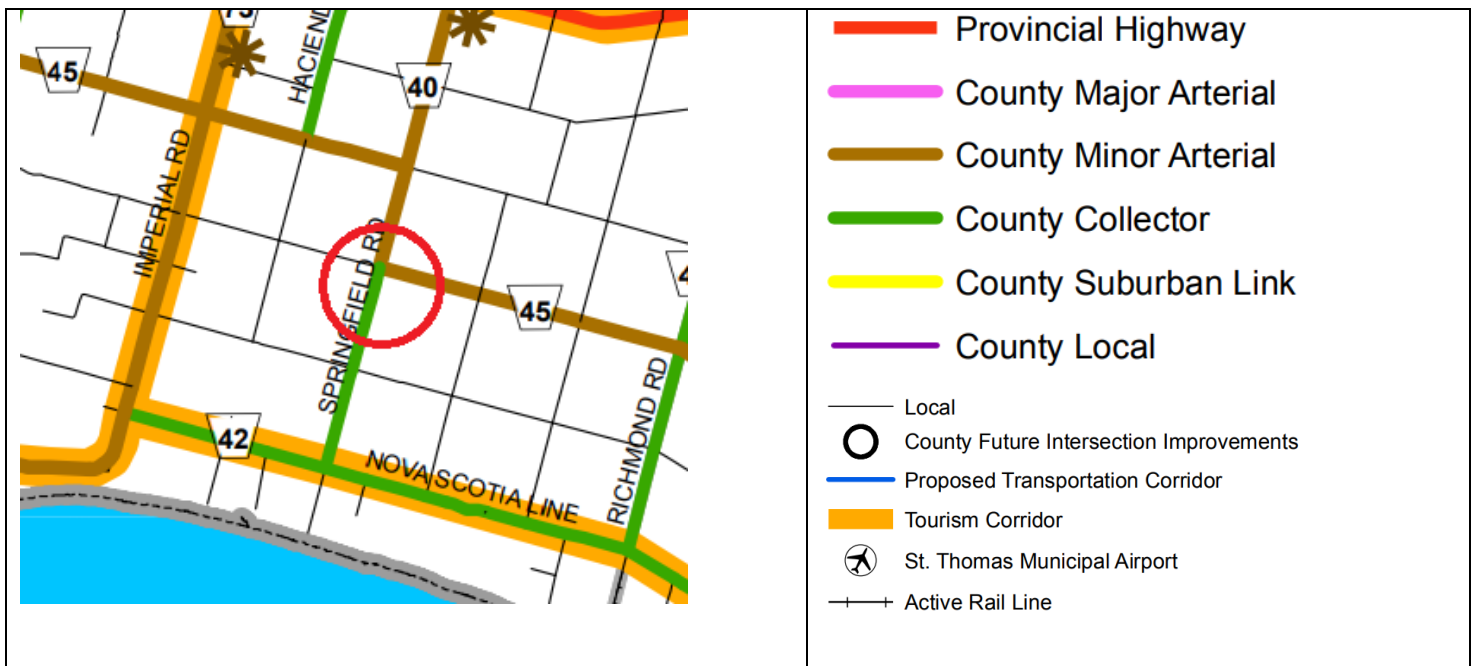


Figure 16: Schedule 'B' Transportation - County of Elgin Official Plan



Section B2.5 of the Official Plan provides policies on the Hierarchy of Settlement Areas within the County. As noted, the hamlet of Mount Salem is considered a Tier 3 Settlement Area. Policy B2.5 d) notes the following:

*Tier 3 - The third tier includes those settlement areas which are generally the smallest communities in the County, are predominately residential in function, and do not have any municipal services (i.e. services are provided by individual on-site water and sewage services). Given their size, these settlement areas are identified on Schedule A to this Plan by a symbol and are listed in Table 3. The boundaries of these settlement areas are established in the local Official Plans. Limited development (including new lot creation) is permitted in these settlement areas given the absence of full municipal services.*

The County Official Plan does not provide for specific land use designations for individual properties within the Township of Malahide. The Township has its own Official Plan which provides the policy framework and direction. The County Official Plan has a general “Settlement Area” designation which does apply to Tier 3 settlement areas.

Policy A3 “Goals” of the County Official Plan notes the following:

3. *To protect and enhance the character of existing settlement areas, and to maintain them as diverse, livable, safe, thriving and attractive communities.*
8. *To provide opportunities for the provision of a broad range of community, recreational and institutional uses and facilities to serve the needs of the County’s residents.*

Part B provides policies for Growth Management:

#### **B1 SETTLEMENT AREAS**

*Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted. There are a range of urban and rural settlement areas in Elgin County where there is a concentration of development and mix of permitted land uses including a variety of housing types, commercial and employment uses, institutional uses, community and recreational facilities, and open space.*

*Local municipalities are also required to establish local Official Plan policies and Zoning By-law provisions to allow second units in detached, semi-detached, row houses and ancillary structures. Local municipalities are also encouraged to include local Official Plan policies with respect to garden suites. Encouraging the establishment of second units and garden suites will also assist in meeting residential*

Upon review of the County of Elgin Official Plan and related Policy direction, I am of the opinion that there are no conformity related issues stemming from the proposal to amend the zoning of the subject lands to allow the proposed use.

#### **5.4 TOWNSHIP OF MALAHIDE OFFICIAL PLAN**

The current Official Plan of the Township of Malahide was adopted by the Municipal Council on August 16th, 2001 and replaces the Official Plan of the Township of Malahide, the Official Plan of the Township of South Dorchester, and the Official Plan of the Village of Springfield.

The Ministry of Municipal Affairs and Housing approved the Official Plan of the Township of Malahide without appeal on March 9th, 2003.

The Township undertook a Five-Year Review in 2008, which resulted in amendments that were adopted as Official Plan Amendment No. 11 by Council on August 9th, 2012 and approved by the Ministry of Municipal Affairs and Housing on September 25th, 2013.

The Township initiated a Comprehensive Review and Five-Year Update (Official Plan Amendment No. 20) in 2018. On May 24, 2022 Elgin County Council approved as modified Official Plan Amendment No. 20 to the Official Plan of the Township of Malahide, as adopted by Township By-law No. 21-95 on December 16, 2021.

On the basis of this document, and as per Schedule "A1" Township of Malahide Land Use plan the subject lands are designated "Hamlet"

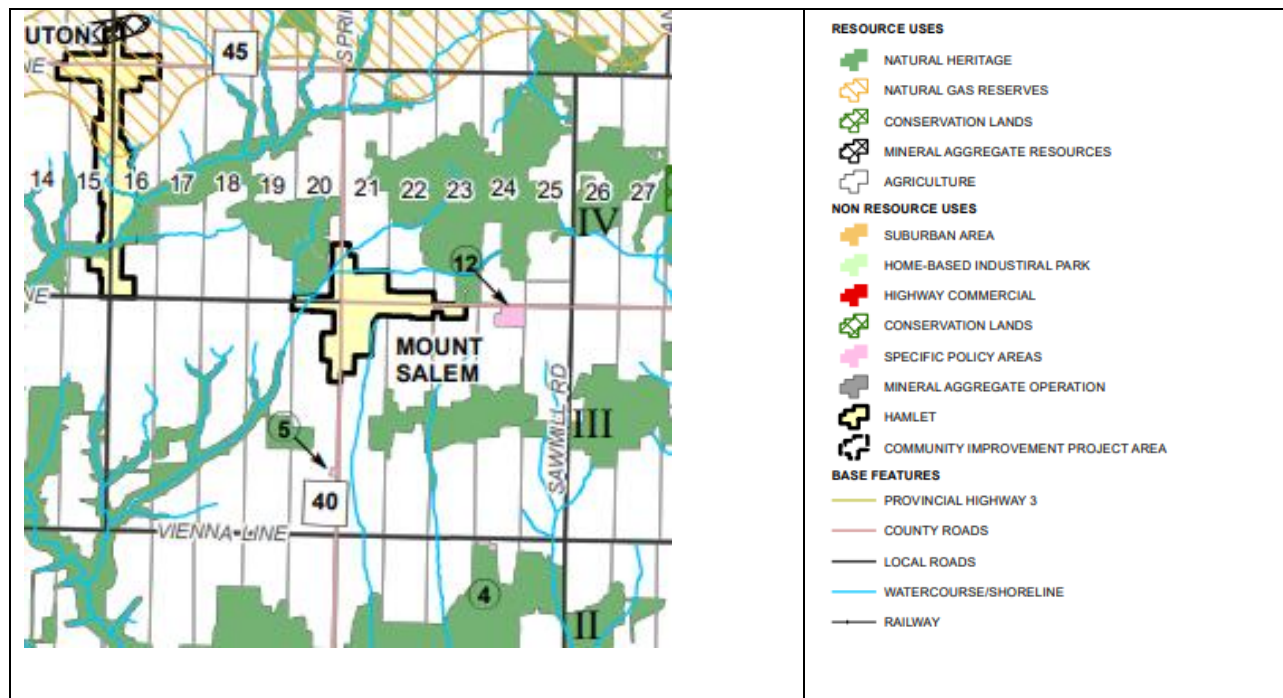


Figure 17: Schedule 'A' Land Use Plan -Township of Malahide Official Plan

Section 4 of the Official Plan provides the policy direction regarding settlement areas. Section 4.3 specifically provides the policies regarding “Hamlets” as follows:

#### 4.3.1 General

4.3.1.1 *Schedule “A1” designates Avon, Lyons, Kingsmill Corner, Orwell, Summers Corners, South Gore, Luton, Mount Salem, Calton and Copenhagen as “Hamlets”. These areas are comprised of small clusters of residential and commercial uses. The intended function of the “Hamlets” in this Plan is to remain as small dormitory clusters, providing limited low order commercial services to the immediate surrounding area. The policy of this Plan is to restrict major residential development by plan of subdivision wherever municipal services are not available, while allowing future growth on the basis of infilling and in accordance with the hamlet boundaries as depicted on Schedule “A1”.*

4.3.1.2 *Permitted uses would include residential dwellings, variety stores, public garages and small commercial and industrial uses directly related to and servicing the immediate surrounding*

*community. Institutional uses will also be permitted in the Hamlets. Adequate buffering should be provided between the various uses wherever the potential for land use conflict exists.*

*4.3.1.3 Most of the land in “Hamlets” will be developed or preserved as a residential neighbourhood, with single detached residences as the dominant land use*

#### *4.3.2 Non-Residential Uses*

*4.3.2.1 Land uses other than residential will be permitted in a residential area if they serve the residential function, are compatible with it, or improve the quality of life in the neighbourhood. Examples of such uses are:*

- Neighbourhood retail stores*
- Drug stores*
- Small scale professional offices*
- Public and private small scale institutions*
- Local service industrial uses*

*4.3.2.2 Such uses shall be consolidated into clusters wherever possible rather than permitting them to spread throughout the area. The location and site design of these uses shall provide for off-street parking, landscaping, and adequate buffering and be in the best principles of urban design to create a high quality residential neighbourhood.*

*4.3.2.3 In addition, larger scale public and private uses such as religious institutions, clinics, convalescent homes, nurseries, hospitals and schools will be permitted provided that an amendment to the Zoning By-law has been approved to protect the surrounding residential lands from the proposed use*

**I believe the proposal to rezone the property is consistent with these policies. A site specific rezoning is being sought to add the permitted use. This will also act to protect the surrounding residential lands from the proposed use.**

## 5.5 TOWNSHIP OF MALAHIDE ZONING BY-LAW NO. 18-22

The Township of Malahide Zoning By-law is a legal document that regulates the use of land within the municipality. The by-law determines and provides regulations that speak to:

1. What each parcel of land can be used for;
2. Where and what types of buildings or structures may be located on the land; and
3. The requirements of lot sizes, parking lots, building heights and setbacks.

The subject lands are zoned “Institutional (I)” on Schedule ‘L’ Mount Salem.

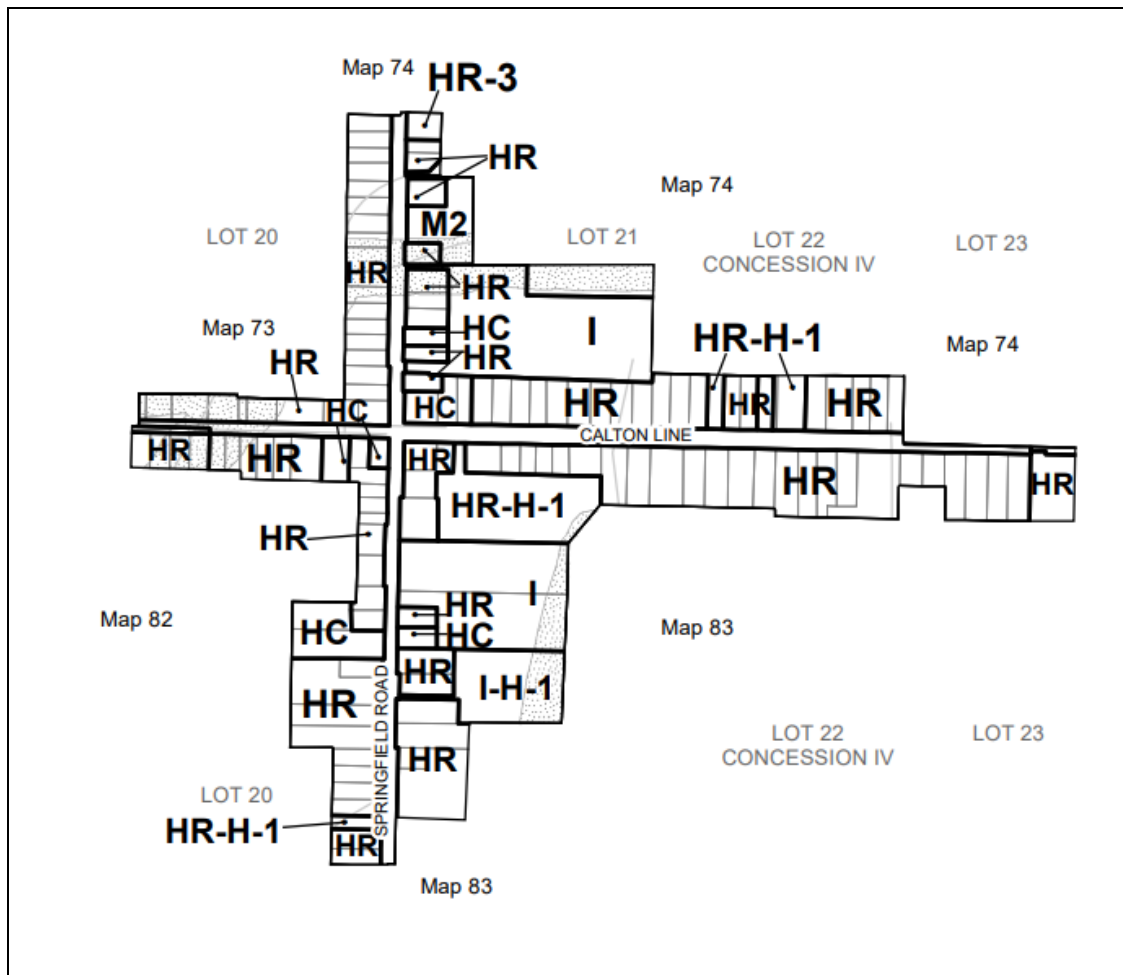


Figure 18: Schedule ‘L’ Mount Salem – Township of Malahide Zoning By-law No. 18-22

The "I" zoning currently allows for a range of uses as follows per section 9.1.1:

	USES, BUILDINGS & STRUCTURES	A I	B OS	C U
1	agricultural use			
2	banquet hall			
3	campground or trailer park		✓*	
4	cemetery	✓	✓	
5	clinic	✓		
6	club	✓		
7	community centre	✓	✓	
8	conservation area		✓	
9	day care centre	✓		
10	dwelling unit as an accessory use	✓	✓	
11	fairgrounds		✓	
12	forestry use		✓	
13	funeral home	✓		
14	golf course		✓*	
15	group home	✓		
16	half-way house	✓		
17	institutional use	✓		
18	library	✓		
19	marina		✓*	
20	museum	✓		
21	paintball park		✓*	
22	place of worship	✓		
23	private park		✓	
24	private school	✓		
25	public park	✓	✓	
26	public school	✓		
27	recreational facilities		✓*	
28	retirement home	✓		
29	target range		✓	
30	single unit dwelling as an accessory use	✓	✓	
31	utility station			✓
32	wildlife preserve		✓	

\* only in site-specific zones

The following General Use regulations are also applicable for development within the "I" zone.

		<b>A</b>	<b>B</b>	<b>C</b>
	<b>STANDARDS</b>	<b>I</b>	<b>OS</b>	<b>U</b>
<b>1</b>	<b>Minimum Lot Area (m<sup>2</sup>)</b>	1850① 550②		
<b>2</b>	<b>Minimum Lot Frontage (m)</b>	30		
<b>3</b>	<b>Minimum Setback (m) from a local road</b>	28	28	28
<b>4</b>	<b>Front Yard Depth (m)</b>	6.0① 15②	6.0	1.0
<b>5</b>	<b>Side Yard Width - Interior (m)</b>	2.0① 5.0②	7.5	1.0
<b>6</b>	<b>Side Yard Width – Exterior (m)</b>	6.0① 9.0②		1.0
<b>7</b>	<b>Rear Yard Depth (m)</b>	7.5	7.5	71.0
<b>8</b>	<b>Maximum Lot Coverage (%)</b>	40	20	
<b>9</b>	<b>Maximum Height (m)</b>	12	10.5	
<b>10</b>	<b>Minimum Landscaped Open Space (%)</b>	30		

As previously noted the intent is for the existing church and school uses on site to remain. The rezoning request would seek to add “Recreational Facility” as an additional permitted use to the subject lands and to address parking and setbacks.

The development would also be subject to:

Section 4.3 of the General Regulations related to Buffer Strips and Fences as follows:

*a) a buffer strip shall be located within the zone for which it is required; it shall be planted, nurtured and maintained by the owner of the lot on which the buffer strip is located, and replacement of trees and plants be made by the owner, as necessary from time to time.*

*e) where an institutional zone abuts a residential zone, a strip of land not less than 3.0 metres in width adjacent to and inside the institutional zone boundary shall not be used for any other purpose than a buffer strip.*

Section 4.24.1 of the By-law also provides regulations on the parking requirements for uses within the Township. Based on Section 4.24.1 the following parking requirements would be applicable:

Use	By-Law Requirement	Calculation	Provided
Place of Worship	1 per 5 seats or the equivalent bench space or 1 per 10 m <sup>2</sup> where there is no fixed seating, whichever is the greater	$994 / 10 = 100$ spaces	100 spaces
Fitness Centre	1 per 30 m <sup>2</sup>	$5370 / 30 = 179$ spaces	109 spaces

It is proposed that 162 parking spaces are provided on the church / MAC lands. An additional 47 spaces are to be provided on the abutting School lands for a total provision of 209 spaces.

The requested zoning for the subject lands would be:

#### 9.4.3 a) Defined Area

I-\_\_ as shown on Schedule "L".

#### b) Permitted Uses

recreational facility  
in addition to all other permitted uses of the "I" zone

#### c) Regulations

an interior side yard setback of 1.2m to the southern property line will be permitted for the recreational facility use

the maximum lot coverage shall be 50%



notwithstanding any other provisions of this by-law to the contrary the parking for a recreational facility shall be calculated on the basis of 1 per 50m<sup>2</sup>

notwithstanding any other provisions of this by-law to the contrary parking for the recreational facility can be provided on an abutting property

all other provisions of Section 9.2.1 of this by-law shall apply to a recreational facility

## **7.0 CONSENT**

As noted, the Proponent and the School have come to an arrangement regarding the provision of a shared access and the provision of parking on the School lands in support of the MAC. . A Consent application is being proposed to support:

- A new shared access between the properties that will facilitate access to the church, school use, MAC and proposed new school.
- The provision of shared parking between the two properties (recognized by an easement)

It is our recommendation that the shared parking arrangement be enshrined through an off-site parking agreement registered on title for both properties. Said agreement will ensure that the parking required through the site specific zoning is maintained in perpetuity.

Similarly, a common facilities agreement should be registered on title for both properties that speaks to the maintenance of the access, snow removal, taxes, and the maintenance and access to required infrastructure such as the reservoirs and well. The requirement and registration of these agreements can be stipulated as conditions of Consent.

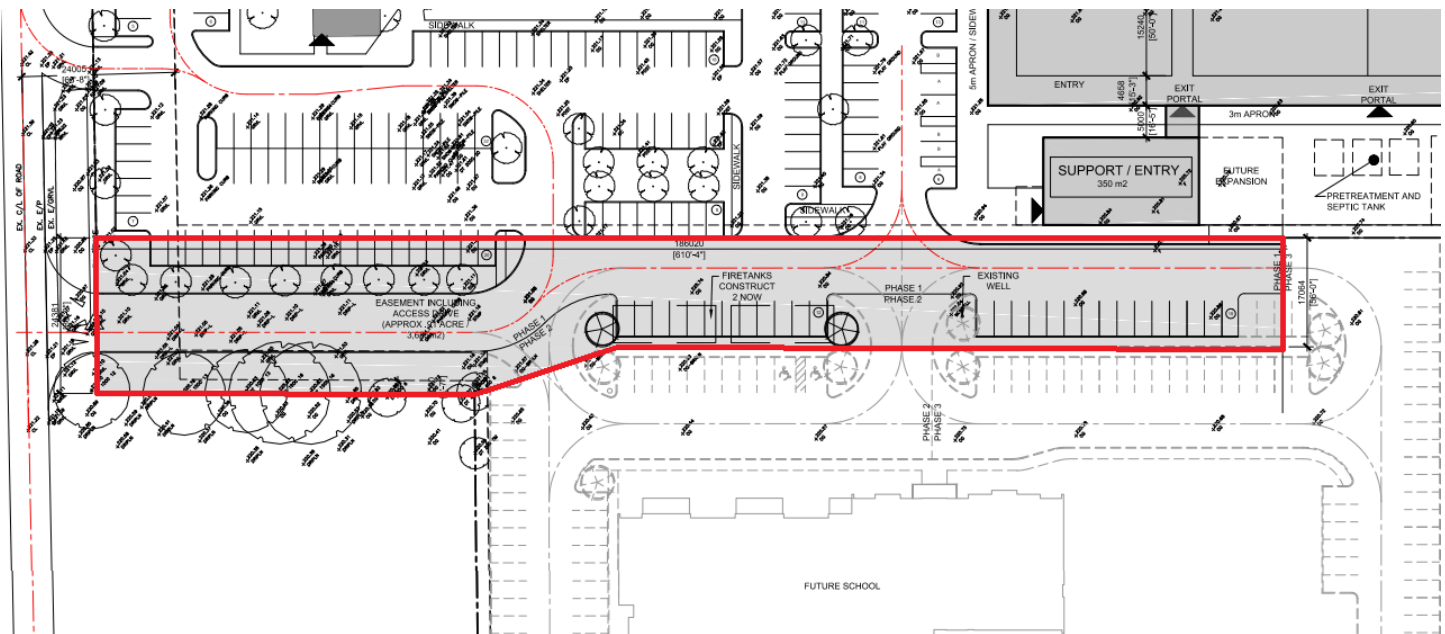


Figure 19: Area of easement for access and parking

## 8.0 PLANNING OPINION

It is recognized that the Official Plan is the most important vehicle to integrate and comprehensively implement provincial policies and direct development. The subject lands are designated “Hamlet” and are appropriate for the utilization of vacant land for a recreational facility that would complement the existing institutional uses. This being said, the proponent recognizes the general area of this property and our request is to seek a site specific zoning that would be applied to these lands that would recognize the additional permitted use of a “recreational facility” and address site specific considerations. The long term success of the development can be implemented through both the Site Plan Approval and Consent processes.

Given the future intent for a new school to be constructed on the vacant lands owned by the School, the provision of a new shared access is an appropriate consideration for the development of the lands. It can also be expected that the two properties will function in a cohesive manner with regards to parking. Each of the uses on site will have differing peak times for parking use. As such, a shared parking arrangement should be considered to reflect this offsetting of parking demands. The MAC proposes large indoor field areas that will primarily be utilized by teams. The overall building area is significant however it is anticipated that the actual occupancy level will be low. Requiring parking at the normal “fitness centre” rate of 1 space per 30m<sup>2</sup> would seem excessive and the proposed rate of 1/50m<sup>2</sup> would appear more realistic based on the intended use. The

by-law recognizes a similar use being a “paintball park” where 1 per 50m<sup>2</sup> of playfield is required. This could be considered a similar type of use in that a large area is required to conduct the activity but a lower occupancy and parking demand should be expected. Consideration should also be given that if the playing fields were outdoor the by-law would not require a specific parking rate to be applied.

The minor reduction in interior side yard setback from 2.0m to 1.2m is appropriate as there would be no impact to the abutting School property. There would be minimal to no impact through this proposed reduction and maintaining / providing a larger setback on the northern interior side yard is more appropriate given the residential land uses in that area. Based on the proposed development we therefore request the following site specific zoning:

#### **9.4.3 a) Defined Area**

**I-\_\_ as shown on Schedule “L”.**

#### **b) Permitted Uses**

**recreational facility  
in addition to all other permitted uses of the “I” zone**

#### **c) Regulations**

**an interior side yard setback of 1.2m to the southern property line will be permitted for the recreational facility use**

**the maximum lot coverage shall be 50%**

**notwithstanding any other provisions of this by-law to the contrary the parking for a recreational facility shall be calculated on the basis of 1 per 50m<sup>2</sup>**

**notwithstanding any other provisions of this by-law to the contrary parking for the recreational facility can be provided on an abutting property subject to an easement**

**all other provisions of Section 9.2.1 of this by-law shall apply to a recreational facility**

My opinion is based on the proposal that has been considered in the preparation of the sought after amendment and through the preparation of this Planning Opinion Report. It is my opinion that the proposed further development of the property with a recreational facility is appropriate given the location, context and size of the property. The sought amendments are appropriate for the property as they are meant to be specifically supportive of the development proposal which should give Council and the public confidence that the development project as proposed is what will be implemented on the subject lands. The land use designation will remain consistent with only the zoning being amended to permit the additional use contemplated. Any other development proposal would require a further public process and a review of the merits of that particular land use save for what is permitted in the existing "I" zoning. Sufficient parking is being provided to support the use given the context of the large playing fields and the low level of occupancy that would be using same. The abutting roadway is a County roadway which can adequately support the level of traffic that this use will generate.

## **9.0 PUBLIC CONSULTATION STRATEGY**

The *Planning Act* (O.Reg 544/06, amended by O.Reg 178/16) requires that applicants submit a proposed strategy for consulting with the public with respect to an application.

The public consultation process in support of the Zoning By-law Amendment application for 6576 Springfield Road is proposed to follow the *Planning Act* statutory requirements. The following points of public consultation are proposed:

A Public Meeting at which time public input will be considered. Notice of the meeting shall be given to every owner of land within 120 metres of the subject land, and by posting a notice in a place that is clearly visible from a public street (or as directed by the Township of Malahide

- Direct written responses to comments raised through the public consultation process will be provided to Township Staff and their consultants for their review and consideration in the preparation of a Staff Report with a recommendation.
- Preparation of a Staff Report, with the Report to be available to the public in advance of Council's consideration of the application. It is understood that Town Staff will post information on the Township website for public review. This will include the Township Staff Report and may also include technical studies and reports prepared in support of the applications or resubmission materials if required.

- A local Council Meeting regarding the zoning will occur, at which time the Township Staff Report, all available information, and public input will be considered in Council's final decision on the zoning.
- A public process for the Consent would also be required with all neighbors within 60m being advised of the proposal.

The consultation strategy proposed will provide members of the public with opportunities to review, understand and comment on the Zoning By-law Amendment (and Consent) applications. The consultation strategy will be coordinated with Township Staff and additional opportunities for consultation will be considered and may be warranted based on input received.

## **10.0 SUMMARY AND CONCLUSIONS**

In conclusion, it is my professional opinion that the proposal for a Zoning By-Law amendment as presented for the subject lands is appropriate for the following reasons:

1. The proposal is consistent with the Provincial Policy Statement, 2020
2. The proposal conforms to the County of Elgin Official Plan and the intent of the Township of Malahide Official Plan.
3. The proposal will contribute to a range and mix of land uses available within the broader area.
4. The proposal will contribute to a complete community.
5. The subject lands are of adequate size to accommodate the proposed use and necessary parking.
6. The proposed use on the subject lands is not anticipated to cause adverse impacts on abutting properties.
7. The proposed use of the property represents good planning.
8. The submissions satisfy the requirements outlined in the pre-consultation process
9. The outlined public consultation process is intended to ensure active public and agency engagement so that the public interest can be addressed throughout the process.

It is therefore concluded that the proposal is consistent with the PPS, 2020, conforms to the County Official Plan, conforms with the intent of the Township of Malahide Official Plan and the proposal has had appropriate regard for Section 2 of the *Planning Act*, and represents good planning.

On the basis of the foregoing, the proposed Zoning By-Law Amendment application should be deemed complete and it is my opinion that Township of Malahide Council should support the project as proposed.

A handwritten signature in black ink that reads "Scott Patterson". The signature is fluid and cursive, with the first name "Scott" and last name "Patterson" clearly distinguishable.

---

Scott J. Patterson, BA, CPT, MCIP, RPP  
Principal  
Patterson Planning Consultants Inc.

**THE CORPORATION OF THE  
TOWNSHIP OF MALAHIDE  
BY-LAW NO. 23-44**

Being a By-law to amend By-law No. 18-22

**Mount Salem Community Church  
6576 Springfield Road**

**WHEREAS** the Council of The Corporation of the Township of Malahide deems it necessary to pass a By-law to amend By-law No. 18-22, as amended;

**AND WHEREAS** authority is granted under Section 34 of the Planning Act, as amended, to pass a By-law;

**AND WHEREAS** this By-law conforms with the Official Plan of the Township of Malahide, as amended;

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

1. **THAT** the area shown in hatching on the attached map, Schedule “A”, and described as Concession 3 North, Part Lot 21, in the Township of Malahide, shall remain in the “Institutional (I) Zone” of By-law No. 18-22 and shall be subject to the added provisions of Section 9.4 of By-law No. 18-22 as set forth in this By-law. The zoning of this land shall be shown as “I-3” on Key Map L of Schedule “A” to By-law No. 18-22, as amended.

2. **THAT** By-law No. 18-22, as amended, is hereby further amended by amending Section 9.4 INSTITUTIONAL (I) ZONE – ‘SITE-SPECIFIC’ ZONES, by adding the following new subsection:

**“9.4.3 a) Defined Area**

***I-3 as shown on Schedule ‘A’, Map No. L.***

**b) Permitted Uses  
*recreational facility***

**c) Minimum Interior Side Yard Setback  
*1.2 m***

**d) Required Parking  
*recreational facility                      1 space per 50 m<sup>2</sup> of floor area***

***Notwithstanding the provisions of Section 4.24.3, 47 parking spaces may be provided on the adjacent property to the south known as MALAHIDE CON 3 N PT LOT 21; RP 11R7521 PART 1 RP 11R8797; PART 1.***

3. **THAT** this By-law shall come into force:

- a) Where no notice of objection has been filed with the Township's Clerk within the time prescribed by the Planning Act and regulations pursuant thereto, upon the expiration of the prescribed time; or,
- b) Where notice of objection has been filed with the Township's Clerk within the time prescribed by the Planning Act and regulations pursuant thereto, upon the approval of the Ontario Land Tribunal.

**READ** a **FIRST** and **SECOND** time this 1st day of June, 2023.

**READ** a **THIRD** time and **FINALLY PASSED** this 1st day of June, 2023.

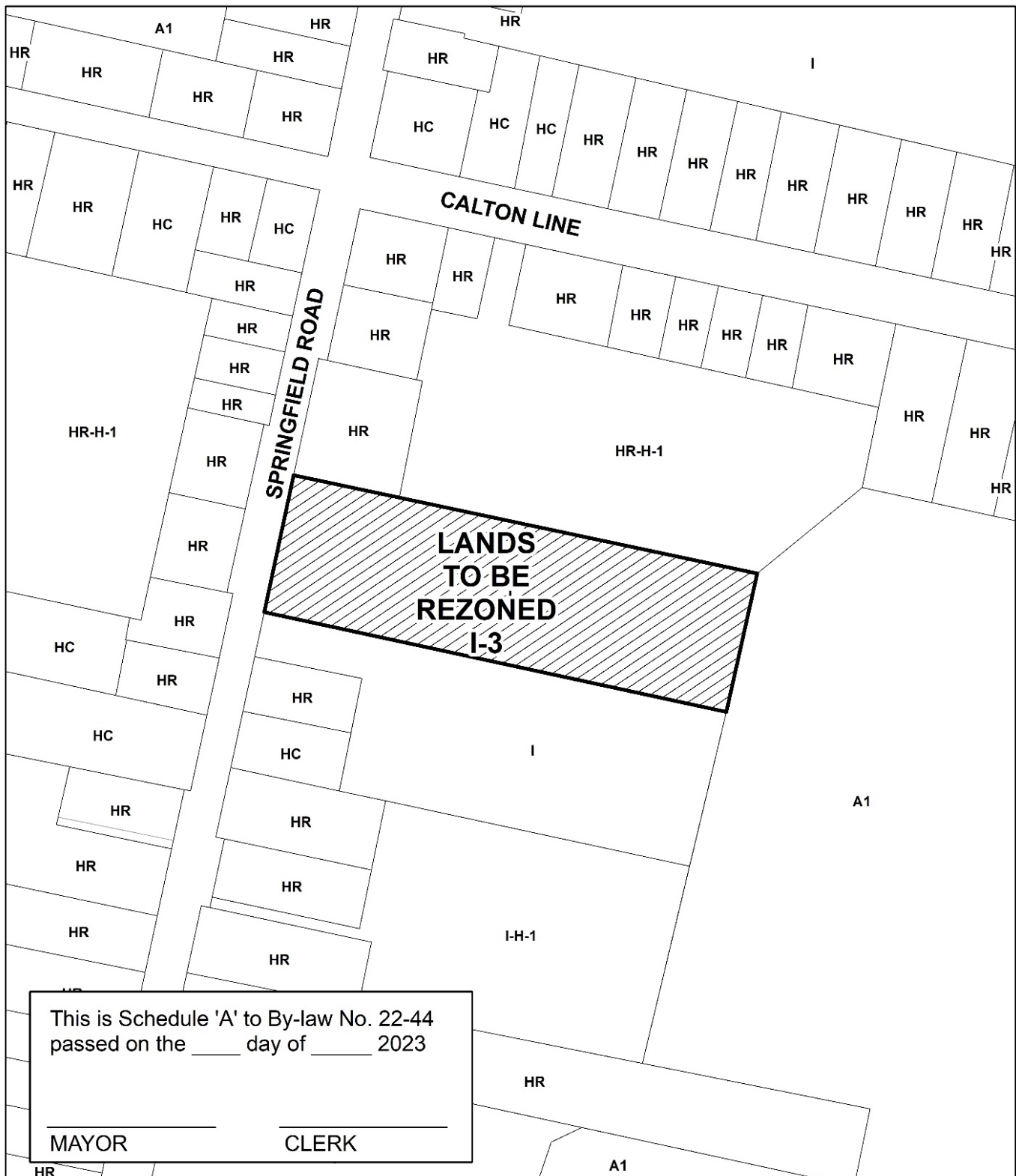
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Mayor – D. Giguère

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Clerk – A. Adams





0 15 30 60 Metres

Township of Malahide  
 Comprehensive Zoning By-law No.18-22

**SCHEDULE 'L'**  
**MOUNT SALEM**



## Report to Council

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**REPORT NO.:** PW-23-32  
**DATE:** June 1, 2023  
**ATTACHMENT:** Map  
**SUBJECT:** NEW ENGINEERS REPORT – PRITCHARD DRAIN

---

### **Recommendation:**

**THAT Report No. PW-23-32 entitled “New Engineers Report – Pritchard Drain” be received;**

**AND THAT George Vereyken, P. Eng., of Spriet Associates, be appointed to prepare a new Engineer’s Report for this petition, pursuant to *Section 78* of the *Drainage Act R.S.O. 1990*.**

### **Background:**

The Township of Malahide has received a Request for Maintenance for the Pritchard Drain that services properties on the north side of Calton Line and on both sides of Carter Road including the Calton Swamp Wetland (see map).

The Pritchard Drain was constructed under a report done by Graham Berman and Associates dated December 19, 1969. This report called for the construction for repair and improvement of approximately 11,000 feet of drain. During construction of the drain the project was halted at the midpoint of the east half of Lot 31, Concession 4, after the Ministry of Natural Resources of the Province of Ontario advised the Township of Malahide that further work would have a detrimental effect on the natural wildlife area known as the Calton Swamp.

Negotiations were carried out between the Ministry and property owners affected above the end of the construction to halt the work and pay the drain assessments of these owners. The Township of Malahide subsequently passed a by-law to abandon the portion of the drain commencing at the mid-point of the east half of Lot 31, Concession 4 to the point of termination in Lot 33, Concession 4.

**Comments/Analysis:**

The original request for maintenance was for a bottom cleanout and brushing for the length of the Drain mentioned above. Staff have done an inspection of the drain and found the drain to be in a state of disrepair due to sedimentation, natural debris and trees on the banks and in the drain.

Some other issues noted were:

- There are 5 farm crossings that are too narrow for modern farm equipment to cross safely.
- The original survey benchmarks are gone, which make it difficult re-establish the design grade of the drain so that maintenance work can be completed.
- There have been a number of severances in the watershed and the current assessment schedule does not reflect this and is out of date.
- The original plan/profile drawing done in the 1969 Report does not reflect the existing drain after the northerly portion was abandoned in 1975.
- The dollar value of the maintenance work required is outside of the scope of regular drain maintenance due to the current state of the drain.

The Staff is recommending that Spriet Associates be appointed by the Council to prepare a new Engineer's Report under *Section 78 of the Drainage Act R.S.O. 1990*, to address the issues stated above, including a new assessment schedule for the entire length of the Pritchard Drain.

As per *Sections 6 and 7 of the Drainage Act R.S.O. 1990*, once Council has initiated the drain improvement, notice will be sent out to local municipalities, local conservation authorities and the Ontario Ministry of Agriculture, Food and Rural Affairs. These agencies have the right to request an environmental appraisal or a cost benefit analysis at their own expense.

The estimated construction date for this project is Summer of 2024.

**Financial Implications to Budget:**

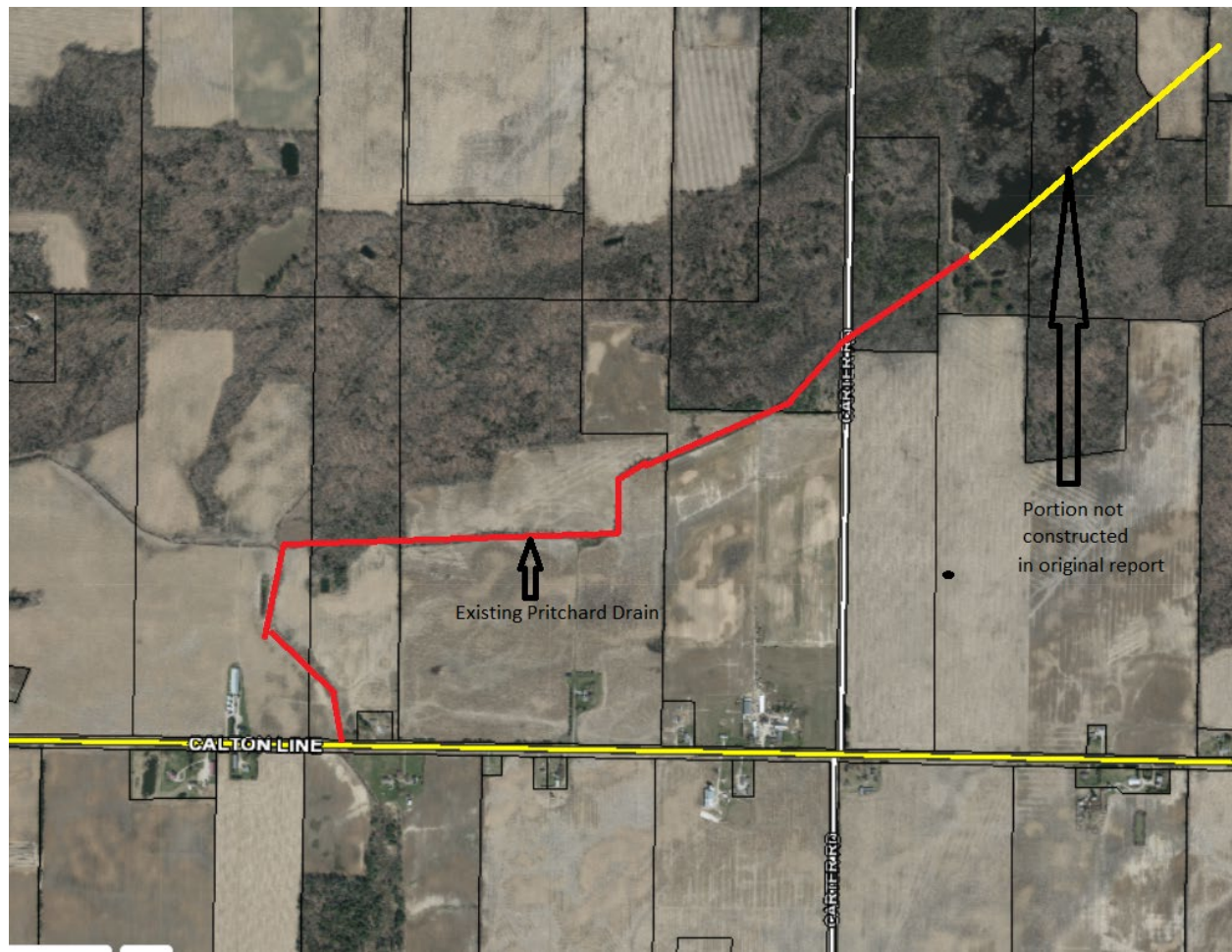
The Township has lands which contribute to the drainage area, and thus, will likely be a party to the Report.

**Relationship to Cultivating Malahide:**

The Cultivating Malahide Integrated Community Sustainability Plan (ICSP) is based upon four pillars of sustainability: Our Land, Our Economy, Our Community, and Our Government.

One of the goals that support the “Our Local Government” Strategic Pillar is “Embody Financial Efficiency throughout Decision-Making”. Ensuring that the cost of maintaining municipal infrastructure is equitably borne by current and future ratepayer’s works to achieve this goal.

Submitted by:	Approved by:	Approved for Council:
Bob Lopez, Engineering Technologist/ Drainage Superintendent	Matt Sweetland, P.Eng., Director of Public Works	Adam Betteridge, Chief Administrative Officer





## Report to Council

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**REPORT NO.:** PW-23-36  
**DATE:** June 1, 2023  
**ATTACHMENT:** None  
**SUBJECT:** Tender Results – GPS Survey Equipment

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### **Recommendation:**

**THAT Report No. PW-23-36 entitled “Tender Results – GPS Survey Equipment” be received;**

**AND THAT the bid received from Horizon Measurements of Oakville, Ontario in the amount of \$32,812.00 (plus applicable taxes), for the purchase of GPS survey equipment, be accepted.**

### **Background:**

Since 2018, the Township Road Department has increased its capacity to undertake road reconstruction works in-house realizing considerable savings when compared to contracting capable projects to private contractors (Example: Conservation Line Reconstruction, Pressey Line Reconstruction, Pressey Line Culverts B-5 and B-13 replacement).

Township forces have utilized rental GPS equipment to undertake the construction layout works required by these projects. The cost of rental equipment has now surpassed the cost to purchase equipment. In 2022 the Township expensed \$20,750 plus HST in rental GPS equipment to undertake in-house construction works. The purchase of such equipment is estimated to cost \$50,000 and has been included in the 2023 Capital Budget.

### **Comments/Analysis:**

An RFP for GPS survey equipment was prepared by Staff and posted to the Township of Malahide Bids & Tenders webpage on April 14, 2023 and closed on May 17, 2023.

A total of two (2) firms submitted detailed proposals for this project. The RFP results are provided on the following page (excluding H.S.T.):

- Leica Geosystems Ltd. - \$46,972.80
- Horizon Measurement Solutions Inc. - \$32,812.00

Staff completed proposal evaluations on May 25, 2023. Firms submitting bids were scored on the following criteria:

1. Corporate Qualifications and Experience – 20 Points
2. Proposed Solution – 25 Points
3. Maintenance, Training and Support – 20 Points
4. Scheduled and Work Plan – 10 Points
5. Proposed Fee (Total upset price) – 25 Points

The successful firm achieved the highest score out of 100 on their submitted proposal, with full points being awarded for the lowest proposed fee.

The firm that achieved the highest overall score was Horizon Measurement Solutions Inc. This firm has extensive experience in the survey equipment industry. The Township of Malahide is confident they can provide the equipment and support services as requested by this RFP.

#### **Financial Implications to Budget:**

The approved 2023 Budget includes \$50,000.00 for the purchase of GPS survey equipment. The proposal from Horizon Measurement Solutions Inc. for \$32,812.00 (exclusive of HST) is under the budgeted amount by \$17,188.00 and therefore has no negative impact on the 2023 capital budget.

Submitted by:	Approved for Council:
Bob Lopez, Engineering Technologist/Drainage Superintendent	Adam Betteridge, Chief Administrative Officer

May 18, 2023  
Town of Aylmer Council  
Town of Malahide Council

Re: Facility Condition Assessment EECC Funding

**Dear Members of Council,**

At their meeting on April 26, 2023, the East Elgin Community Complex Board of Management passed the below resolution requesting funding from member municipalities:

Resolution No.33-23

Moved by Board Member Barbour and seconded by Board Member Widner:

**That Report CAO 29-23 entitled Facility Condition Assessment EECC, be received for information; and further,**

**That Board request additional funding from the member municipalities up to an amount of \$30,000 in total (\$15,000 each) to undertake a Facility Condition Assessment at 531 Talbot Street West; and**

**That the Board accept the Town of Aylmer's external engineering consultant GM Blueplan to undertake the Facility Condition Assessment.**

**The motion is Carried.**

Please forward a resolution regarding the request for additional funding for the Facility Condition Assessment. The following template resolution is offered:

**That letter regarding the Facility Condition Assessment EECC Funding be received for information;**

**That the \_\_\_\_\_ approve the additional funding up to an amount of \$30,000 in total (\$15,000 from the Township of Malahide and Town of Aylmer respectively) to undertake a Facility Condition Assessment at 531 Talbot Street West.**

Thank you,

**Owen Jaggard**  
**Deputy Clerk / Manager of Information Services | Town of Aylmer**  
46 Talbot Street West, Aylmer, ON N5H 1J7  
519-773-3164 Ext. 4913 | Fax 519-765-1446  
[ojaggard@town.aylmer.on.ca](mailto:ojaggard@town.aylmer.on.ca) | [www.aylmer.ca](http://www.aylmer.ca)



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**THE CORPORATION OF THE  
TOWNSHIP OF MALAHIDE  
BY-LAW NO. 23-16**

Being a By-law to amend By-law No. 18-22

**Joelle Giret, Colleen Giret, & Jeremy Giret**  
**Authorized Agent: Simona Rasanu (c/o Strik, Baldinelli, Moniz Ltd.)**  
**13996 Whittaker Road**

**WHEREAS** the Council of The Corporation of the Township of Malahide deems it necessary to pass a By-law to amend By-law No. 18-22, as amended;

**AND WHEREAS** authority is granted under Section 34 of the Planning Act, as amended, to pass a By-law;

**AND WHEREAS** this By-law conforms with the Official Plan of the Township of Malahide, as amended;

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

1. **THAT** the area shown in hatching on the attached map, Schedule “A”, and described as Concession 9 South, Part Lot 6, in the Township of Malahide, shall be removed from the “Large Lot Agricultural (A3) Zone” of By-law No. 18-22 and placed within the “General Agricultural (A1) Zone” of By-law No. 18-22 as set forth in this By-law. The zoning of this land shall be shown as “A1” on Key Map 15 of Schedule “A” to By-law No. 18-22, as amended.
2. **THAT** this By-law shall come into force:
  - a) Where no notice of objection has been filed with the Township’s Clerk within the time prescribed by the Planning Act and regulations pursuant thereto, upon the expiration of the prescribed time; or,
  - b) Where notice of objection has been filed with the Township’s Clerk within the time prescribed by the Planning Act and regulations pursuant thereto, upon the approval of the Ontario Land Tribunal.

**READ a FIRST and SECOND** time this 1<sup>st</sup> day of June, 2023.

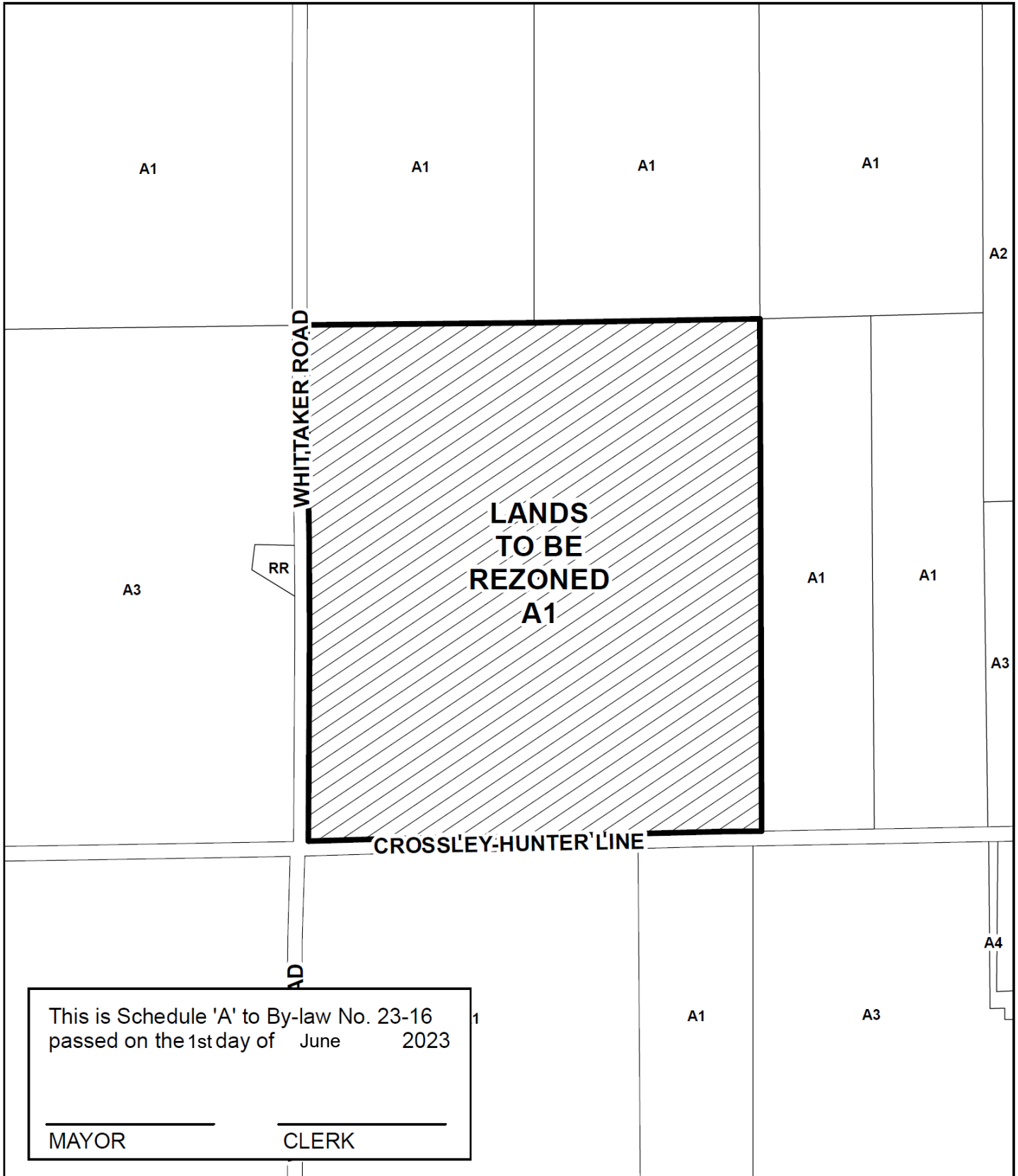
**READ a THIRD** time and **FINALLY PASSED** this 1<sup>st</sup> day of June, 2023.

\_\_\_\_\_  
Mayor – D. Giguère

\_\_\_\_\_  
Clerk – A. Adams



SCHEDULE A



0 40 80 160 Metres

Township of Malahide  
Comprehensive Zoning By-law No.18-22

**SCHEDULE 'A'**  
Map 15

**THE CORPORATION OF THE TOWNSHIP OF MALAHIDE****BY-LAW NO. 23-43**

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 regular meeting held on June 1, 2023, 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 1<sup>st</sup> day of June, 2023.

**READ** a **THIRD** time and **FINALLY PASSED** this 1<sup>st</sup> day of June, 2023.

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Mayor, D. Giguère

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Clerk, A. Adams