

Township of Joly

August 13, 2024 - Public Meeting of Council - 05:30 PM (Join Zoom Meeting
<https://us02web.zoom.us/j/83715768174?pwd=E7mgY4a4JKHVEMb4pKVyuaHcQxgGZm.1> Meeting ID: 837 1576 8174 Passcode: 279410)

- 1 Call To Order
- 2 Approval of Agenda
- 3 Disclosure of Pecuniary Interest
- 4 Purpose- Proposed Zoning Amendment 776 Sandhill Rd
 - 📎 Public Meeting Notice
 - 📎 Purpose- Proposed Zoning Amendment 776 Sandhill Rd
 - 📎 Written Submissions
- 5 Business/Closed Session
- 6 Adjournment



NOTICE OF COMPLETE APPLICATION & VIRTUAL PUBLIC MEETING FOR AUGUST 13, 2024

CONCERNING A PROPOSED ZONING BY- LAW AMENDMENT

A complete application by Jennifer and Kyle Merstorf is being processed for a Zoning By-law Amendment for lands legally described as:

Part of Lot 5 Concession IV shown as Parts 4 and 5 on plan 42R-17407.

The land is known locally as 776 Sandhill Road in the Township of Joly, District of Parry Sound. Please see the location map below.

The purpose of the By-law is to recognize one seasonal cottage, two seasonal trailers and use of the subject lands as a hunting camp during open season periods.

TAKE NOTICE That the Council of the Township of Joly will hold a virtual Public Meeting on **Tuesday August 13th, 2024 at 5:30 p.m.** to consider a proposed Zoning By-law Amendment under Section 34 of the *Planning Act* to amend By-law No. 2018-009 as amended, the Joly Township Zoning By-law.

PLEASE ADVISE the Municipal Administrator of your email address so that a digital invitation/link to join the **ZOOM meeting** can be sent to you. This will allow you the opportunity to speak at the meeting.

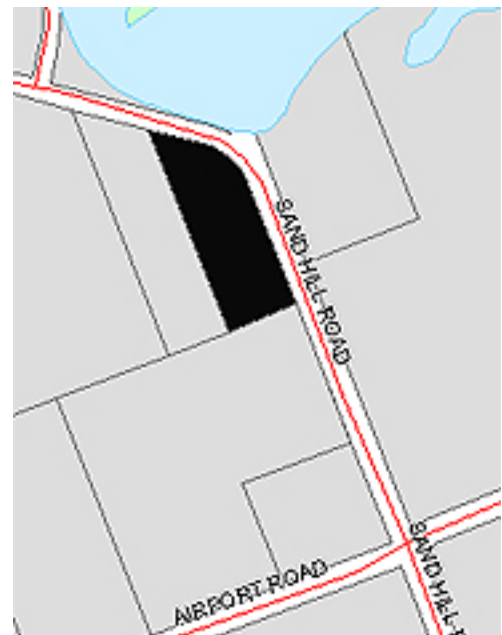
IF A PERSON OR PUBLIC BODY would otherwise have an ability to appeal the decision of the Corporation of the Township of Joly to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Corporation of the Township of Joly before the by-law is passed, the person or public body is not entitled to appeal the decision.

IF A PERSON OR PUBLIC BODY does not make oral submissions at a public meeting or make written submissions to the Corporation of the Township of Joly before the By-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

ADDITIONAL INFORMATION relating to the proposed Zoning By-law Amendment is available at www.townshipofjoly.com. For more information about this matter, including information about appeal rights, contact municipal.admin@townshipofjoly.com or 705-384-5428 X 2 during regular business hours. If you wish to be notified of the decision of the Corporation of the Township of Joly on the proposed Zoning By-law Amendment, you must make a written request to:

Jennifer Martin, Municipal Administrator / Clerk
Township of Joly
871 Forest Lake Road, P.O. Box 519
Sundridge ON P0A 1Z0

Dated at the Township of Joly this 8th day of July, 2024.



ZONING BY-LAW NO. _____

A BY-LAW TO AMEND
ZONING BY-LAW NO. 2018-009

(Jennifer and Kyle Merstorf)

CORPORATION OF THE TOWNSHIP OF JOLY

Box 519
Sundridge, Ontario
P0A 1Z0

Planning Consultant:

Robert J. Miller

EXPLANATORY NOTE

To Zoning By-law No. _____

Passed by the Council of the Corporation of the Township of Joly

- | | |
|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Lands Affected: | This By-law applies only to Part of Lot 5 Concession IV shown as Parts 4 and 5 on plan 42R-17407, known locally as 776 Sandhill Road, as shown in detail on Schedule 'A' attached. |
| Present Zoning: | The Comprehensive Joly Township Zoning By-law No. 2018-009 places the subject land in the Rural (Ru) Zone. |
| Proposed Zoning: | This By-law will place the subject land in the Rural Exception No. 4 (Ru-4) Zone. |
| Official Plan Designation: | The Joly Township Official Plan designates the subject lands as Rural. The proposed Zoning By-law amendment conforms with the regulations of the Official Plan. |
| By-Law Purpose: | The purpose of the By-law is to to recognize one seasonal cottage, two seasonal trailers and use of the subject land and buildings as a hunting camp during open season periods. |

ZONING BY-LAW NO. _____

THE CORPORATION OF THE TOWNSHIP OF JOLY

Being a By-law under the provisions of Section 34 of the **Planning Act, R.S.O. 1990**, to amend Zoning By-law No. 2018-009 of the Corporation of the Township of Joly, with respect to those lands forming Part of Lot 5 Concession IV shown as Parts 4 and 5 on plan 42R-17407, known locally as 776 Sandhill Road in the Township of Joly, District of Parry Sound.

WHEREAS THE CORPORATION OF THE TOWNSHIP OF JOLY has reviewed Zoning By-law No. 2018-009 and deems it advisable to amend same:

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF JOLY ENACTS as follows:

- 1. **THAT** Section 11 Exceptions of Zoning By-law No. 2018-009, is hereby amended by adding thereto the following exception clause:

Ru-4 Cottage / Hunting Camp / Two Trailers Zoning Map Schedule 'A-1'

Notwithstanding the provisions of Section 5.29 "Temporary Uses -Trailers for Human Habitation" and Section 6.1 "Permitted Uses" of the Rural (Ru) Zone of the Joly Township Zoning By-law No. 2018-009, the subject lands shall only be used for one seasonal cottage and two trailers, all of which may be used as a hunting camp during the open season periods within the limits of Wildlife Management Unit 50 enforced by the Ministry of Natural Resources & Forestry. The minimum front yard shall be 8.5 metres but all other provisions of Zoning By-law No. 2018-009, as amended, are hereby deemed to remain in effect as they relate to the subject lands; and

- 2. **THAT** Schedule 'A-1' of Zoning By-law No. 2018-009, as amended, is hereby amended by changing the zoning classification of the subject lands forming Part of Lot 5 Concession IV shown as Parts 4 and 5 on plan 42R-17407, known municipally as 776 Sandhill Road, from the Rural (Ru) Zone to the Rural Exception No.4 (Ru-4) Zone in accordance with Schedule "A" attached hereto and by this reference forming part of this By-law; and
- 3. **THAT** this By-law shall come into force on the date it is passed by the Council of the Corporation of the Township of Joly subject to the provisions of the **Planning Act, R.S.O. 1990**.

Read a **FIRST TIME** this ____ day of _____, 2024.

Read a **SECOND TIME** this ____ day of _____, 2024.

Read a **THIRD TIME** and **FINALLY PASSED** this ____ day of _____, 2024.

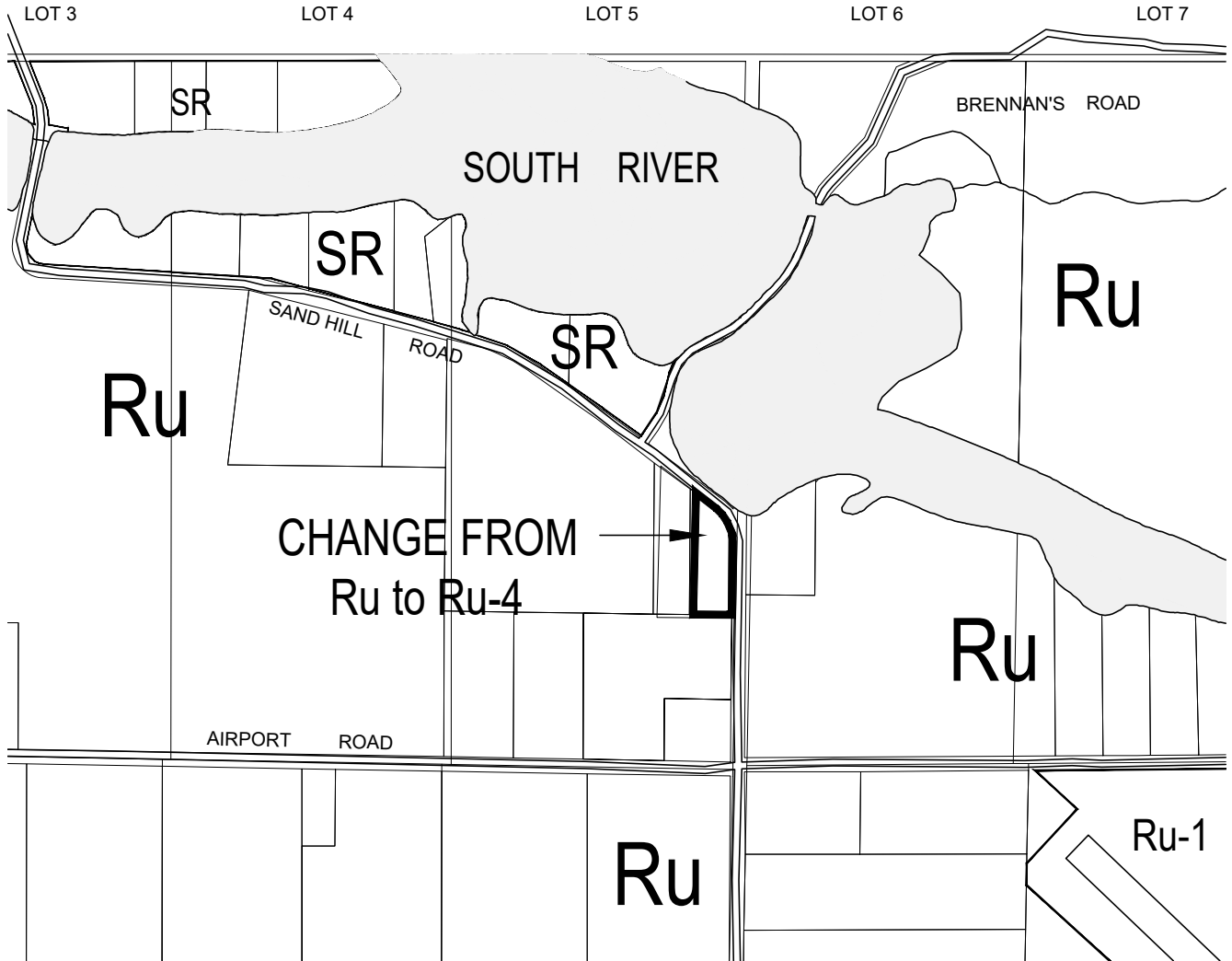
CORPORATION OF THE TOWNSHIP OF JOLY

Mayor: _____

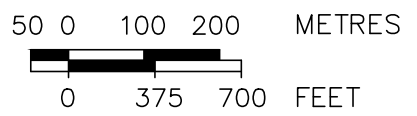
Municipal Administrator / Clerk: _____

The Corporation of the Township of Joly

SCHEDULE "A" TO ZONING BY-LAW No. _____



SUBJECT LANDS



THIS IS SCHEDULE "A" TO BY-LAW No. _____ MAYOR _____

PASSED THIS _____ DAY OF _____ 2024 CLERK _____



August 5, 2024

To the Mayor, Councillors and Staff of Joly Township,

Re: 776 Sandhill Road Zoning Appeal

I am writing this as a concerned resident and taxpayer. When one buys property in an organized township it comes with rights and responsibilities as laid out in the bylaws. This is to ensure that everyone knows the rules and what is expected as a respectful member of the community. On staff we have a Building Inspector and Bylaw Officer whose jobs it is to enforce the rules.

Concerning the appeal by the owners of 776 Sandhill Rd, I heartily support enforcing the Building Code and Joly Bylaws. Otherwise this would show favouritism and also set a precedent for other owners.

This situation has gone on too long. I am looking forward to a prompt resolution by those with the power and authority to do so.

Sincerely,

Bonnie Griffiths

Robert Griffiths

Katey Brimacombe

From: Cathy Wright [REDACTED]
Sent: August 7, 2024 9:17 AM
To: Katey Brimacombe
Subject: Re: 776 Sandhill Rd , Joly township application



Re: 776 Sandhill Rd, Joly township application

This letter is in response to the proposed rezoning application and exceptions to the OBC and Joly Bylaws.

There is no excuse for the situation the owners find themselves in. It is their responsibility to read and follow the OBC and local bylaws which are readily accessible online.

The building in question was the first to go up late one fall years ago. It is not allowed- does not meet size requirements for principle residence/cottage or mandatory setbacks as per OBC, and no permit was applied for. It is clearly stated that a permit MUST be applied for and granted prior to construction. And it would not be approved until necessary changes were made to comply. Failure to get a permit is an offence. Yet even knowing it was not allowed, they continued on with occupancy, a deck, railing. Owners now want this approved as a cottage.

Prior to building a principle residence/ cottage only 1 trailer is allowed for habitation. The owners brought in a second trailer for habitation (recently not there) but now want to have a second approved.

One 10x10 shed is allowed with a trailer, the owners built a second one, recently removed the first one, but want a second one approved too.

One driveway is allowed, the owners put in a second. This 2nd driveway has been constructed, dug out, filled in again, had a trench dug across it, then blocked off. They are determined to have 2.

And, if that isn't enough, now they want the property designated as a hunt camp. So..... 2 trailers, 2 sheds, an illegal building, can be used for habitation during hunting season " during open season periods" which when taking into account all the different animals is all year!

They are asking for "exceptions" and rezoning so they don't have to do anything and delay or avoid litigation. The time to apply for rezoning was BEFORE construction, not after the fact.

I feel badly for their neighbours. Increased traffic, atv's/boats, noise (especially in the very early morning hours), guns. Property values will be negatively affected. Potential buyers, if any, will be severely limited. This is not what they signed up for. Unfair to put them through this when they bought in good faith.

If this is allowed then any owner could do the same, using this case as precedence in the future.

My understanding is that the owners have been aware since the beginning that there are rules/bylaws and have shown a blatant disregard for them by continuing to do whatever they want. The setbacks cannot/ should not be changed. The courts need to deal with this asap.

According to OBC and Joly they can have 1 trailer, 1 shed, 1 driveway. Everything else must go. This has gone on long enough, the owners have ignored the system for years, and fines need to be imposed. Joly taxpayers should be reimbursed for the costs to deal with this.

You can't feel sorry for them when they knowingly created their own problems.

Cathy Wright



August 8, 2024

Jennifer Martin, Municipal Administrator/Clerk
Township of Joly
871 Forest Lake Road P.O. Box 519
Sundridge ON P0A 1Z0

Proposed Zoning By-Law Amendment
Part of Lot 5, Concession IV shown as Parts 4 and 5 on Plan 42R-17407

Re: By-law amendment to allow one seasonal cottage, two seasonal trailers and use of subject lands for hunting camp during open season periods

I am objecting to the by-law amendment application re: one seasonal cottage on the property at 776 Sandhill Road. This property is zoned RU and the existing uses do not conform to requirements as defined in By-law 2018-009. The by-law states that the structure must have a minimum floor area of 600 sq. ft. and have a front yard setback of 50 feet. The existing wood structure on the subject property does not meet this minimum standard.

I am objecting to the by-law amendment application re: two seasonal trailers on the property at 776 Sandhill Road. By-law 2018-009 Section 5.29(c) states that one seasonal trailer is permitted on a property with a seasonal cottage. Since the existing wood structure does not meet the minimum floor area or have a front yard setback of 50 feet, trailers are not permitted.

I am objecting to the by-law amendment application re: hunt camp on the property at 776 Sandhill Road. By-law 2018-009 states that a hunt camp is permitted on a property if it has a floor area of at least 600 sq. ft and have a front yard setback of 50 feet. Since the existing wood structure does not meet the minimum floor area or the front yard setback, a hunt camp is not permitted.

Organized municipalities pass by-laws to set standards for all land owners. The land owners at 776 Sand Hill Road have already added these "proposed" uses knowing they were unlawful and now want to legalize them through the by-law amendment process. Council's approval will be precedent setting and potentially remove any legal power the Township has in regards to land use by-laws in the future.

Best regards,

Ian Bishop



Municipal Administrator

From: HUSTON - R [REDACTED]
Sent: August 13, 2024 7:21 AM
To: Municipal Administrator
Subject: 776 sandhill



dear joly council,

its obvious that the rezoning cannot & will never be approved.

building doesnt comply, no permit(s), no setbacks, on & on
building officials should have redtagged long time ago

how did it reach this point? how much time and taxpayer\$ has been
wasted?

end this.

rick huston

Katey Brimacombe

From: Ben B [REDACTED]
Sent: August 13, 2024 2:23 AM
To: Katey Brimacombe
Subject: Proposed Zoning By-Law Amendment



August 13th, 2024

Jennifer Martin, Municipal Administrator/Clerk
Township of Joly
871 Forest Lake Road P.O. Box 519
Sundridge ON POA 1Z0

Proposed Zoning By-Law Amendment
Part of Lot 5, Concession IV shown as Parts 4 and 5 on Plan 42R-17407

I **object** to the by-law amendment application re: one seasonal cottage on property at 776 Sandhill Road for the following reasons.

1. With complete disregard for by-laws, a structure, and 2 trailers are already being used at this address. It is not appropriate to use a by-law amendment to avoid the consequences of knowingly breaking the current by-laws in place.
2. The current structure does not meet zoning requirements of 50ft from road, as well as, is not 600 sqft or greater. (By-law 2018-009 Section 5.29c)
3. The proposed change will add even more vehicular and pedestrian traffic to a poorly/unsafe located driveway on the corner of Sandhill Rd.
4. If these changes are approved, it will decrease my property value, but also make ability to sell limited.

Sincerely,

Ben Birnie



August 11, 2024

Township of Joly
871 Forest Lake Road
Sundridge, Ontario
POA 1Z0
Attn: Jennifer Martin, Municipal Admin/Clerk

RE: Proposed By-Law Amendment of Part Lot 5, Concession 4, Plan 42R17407 Parts 4 & 5

Dear Jennifer & Council,

We will be objecting to the proposed by-law amendment regarding the above noted property and their proposed request to change the by-law to accommodate one seasonal cottage, two trailers and the use of the land for a hunting camp during open season periods at 776 Sandhill Road. On this site, the cart was brought before the horse; they went ahead and did what they wanted before they received permission from the township, now they are backpedaling trying to change the by-laws after the fact. Our townships have official plans & zoning by-laws available for review at all times online and competent staff to guide future development of our properties in Joly Township. There is no reason for this not being looked at and discussed with the township before the owner of said lands, Kyle Merstof, developed his lands illegally.

Not only did this land owner develop his lands the way he wanted it without permission, he has been trespassing on neighbouring river front property that is owned by a neighbour by installing a dock, likely in which he does not have a permit for either, clearing trees and using private property without permission. Before the lands were purchased by Mr. Merstof, he was well aware that he could not use the neighbouring private property on the river as the real estates phoned to try to get permission to use the lands, we said no. He went forth and installed a dock and uses the lands as he chooses. He also was aware of what he could do with he lands before purchasing as I understood from the real estate agents he was considering not purchasing the property due to the limited part time use and lack of river frontage; he purchased the land anyways.

This building & trailers are not permitted, should not be permitted (nor a by-law amendment made) and Mr. Merstof should be made to remove said building & trailers. A hunt camp? There isn't enough room on his property to be hunting, nor would neighbouring property owners want someone shooting at this close proximity to their homes, families and lands.

The "trailer park" they are creating brings the land values down in the area, therefore it can affect the saleability of lands at present for sale. If the lands were to be sold, and some homes built on neighbouring lands, this bring up the tax base for the township. People wanting to build mid to high end river access homes, will not want to buy or build next to such lands that are not developed properly, looking like a "squatting ground" & "trailer park" with undersized cabins and trailers.

As I understand the "one seasonal cottage" does not meet the minimum requirements for size nor the minimum requirements or distances from the township road as outlined in the zoning by-laws. This should be considered as not following the zoning by-laws and should be reprimanded.

Another question comes to mind? Where is the human waste going? Have they installed a approved septic system from the North Bay/Mattawa Conservation authority? If they have not are they disposing of the waste in the ground? They have a drilled well, is said well the minimum distance away from the waste being disposed?

The drilled well is also artesian (flowing); it is the well drillers initial responsibility to control the flow from a drilled well, then it falls upon the property owner to maintain and because their responsibility to control the flow of water from a drilled well under MOECP Regulation 903 under section 14.7 "Flowing Wells"; this water is not being controlled.

Thank you for listening to our concerns and our objection to the proposed zoning by-law amendment at the above noted property.

Sincerely,

Amy Marshall & Brian Brown

