

COMMITTEE OF ADJUSTMENT COMMENTS FROM STAFF, PUBLIC & AGENCIES

APPLICATION NUMBER: B-20/16
LOCATION: 67 Kirkby Court
DATE AND TIME OF HEARING: June 23, 2016 at 4:00 p.m.
OWNER: Evan MacKinnon
AGENT: Pierre Chauvin – MHBC Planning
OFFICIAL PLAN DESIGNATION: Industrial
ZONING: Industrial (B.1)

REQUEST: The applicant proposes to sever an irregularly shaped parcel with frontage along Kirkby Court of 20.2 metres, a depth of 202.5 metres, and an area of 4046.9 square metres. The applicant is also requesting an irregularly shaped easement with an area of 521.9 square metres for the maintenance of a storm sewer.

STAFF RECOMMENDATION: Approval with conditions

CONDITIONS RECOMMENDED:

ENGINEERING SERVICES

1. That the proposed severed parcel of land be conveyed to the abutting property owner as a lot addition only (Form 3 Certificate).
2. That the following covenant is incorporated in the deed:-

 "The conveyance of (Severed Lands - legal description - Lot and Plan), City of Guelph, County of Wellington, designated as (Part and 61R-Plan Number) as a lot addition only to (Legal Description of Lands to be joined with - Lot and Plan), and shall not be conveyed as a separate parcel from (Legal Description of Lands to be joined with - Lot and Plan)."
3. That the servient tenement lands, 405 Laird Road, (proposed severed lands, Part of Lot 4, Registered Plan 766, being Part of Part 5, Part 6 and Part 7, Reference Plan 61R-20365), grants an easement approximately 6.0-metres (19.69 feet) wide by a depth of approximately 11.00-metres (36.09 feet); and approximately 6.0-metres (19.69 feet) wide by a depth of approximately 41.00-metres (134.51 feet) and a depth of approximately 53.00-metres (173.88 feet) over Part 5, Reference Plan 61R-20365, in perpetuity, registered on title, in favour of the dominant tenement lands, 67 Kirkby Court, MacKinnon Transport Inc., (proposed retained lands, Part of Lot 4, Registered Plan 766, being Part of Part 5, Reference Plan 61R-20365), for the maintenance of a storm sewer, prior to endorstation of the deeds or within one (1) year of the consent, whichever occurs first.

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4. That prior to endorsation of the deeds, the solicitor for the owner of the servient tenement lands, 405 Laird Road, (proposed severed lands, Part of Lot 4, Registered Plan 766, being Part of Part 5, Part 6 and Part 7, Reference Plan 61R-20365), certifies that the storm sewer easement, in favour of the dominant tenement lands, 67 Kirkby Court, MacKinnon Transport Inc., (proposed retained lands, Part of Lot 4, Registered Plan 766, being Part of Part 5, Reference Plan 61R-20365), has been granted and registered on title.

CONDITIONS RECOMMENDED IN ACCORDANCE WITH COMMITTEE OF ADJUSTMENT POLICY

5. That upon fulfilling and complying with all of the above-noted conditions, the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement.
6. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
7. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
8. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk.

COMMENTS

ENGINEERING SERVICES:

The purpose of the severance of an irregular shaped parcel of land, with a frontage along Kirkby Court of approximately 20.219-metres (66.34 feet) to approximately 19.675-metres (64.55 feet) and a depth of approximately 196.618-metres (645.07 feet) to approximately 202.500-metres (664.37 feet), Part of Lot 4, Registered Plan 766, being Part of Part 5, Reference Plan 61R-20365) as a lot addition to 405 Laird Road, (proposed severed lands, Part of Lot 4, Registered Plan 766, being Part of Part 5, Part 6 and Part 7, Reference Plan 61R-20365); and the purpose of the proposed consent for an easement is for the maintenance of a storm sewer serving 67 Kirkby Court, MacKinnon Transport Inc., (proposed retained lands, Part of Lot 4, Registered Plan 766, being Part of Part 5, Reference Plan 61R-20365). The proposed easement would be as shown on the attached plans.

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Engineering staff have no objection to the requested severance or to the easement, provided the above noted conditions are imposed.

PLANNING SERVICES:

The subject lands are designated "Industrial" in the Official Plan and zoned "Industrial" (B.1) according to Zoning By-law (1995)-14864, as amended.

A previous Consent application (B-3/14) to create a new industrial lot and easement on the subject lands was approved by the Committee of Adjustment on February 14, 2014.

The purpose of the current application is to sever a portion of 67 Kirkby Court and add it to the existing lot municipally known as 405 Laird Road. The proposed lot addition will provide additional land to the existing truck sales business for its daily operations at 405 Laird Road. An easement is also requested to provide for a storm sewer outlet to an existing oil/grit separator in favour of the retained lands.

Planning staff have reviewed Engineering comments and are in agreement with their recommended conditions of approval. Staff are satisfied that the proposed lot addition meets the Consent criteria as outlined in Policy 9.9 of the Official Plan and subdivision criteria as outlined in section 51(24) of the Ontario Planning Act. Staff recommend approval of the application.

PERMIT AND ZONING ADMINISTRATOR:

This property is in an Industrial B.1 Zone. The applicant is proposing to sever a parcel with a frontage of 20.2 metres along Kirby Court to provide additional land to an existing truck sales business for its daily operations at 405 Laird Road. The applicant is also requesting an irregularly shaped easement with an area of 521.9 square metres for maintenance of a storm sewer.

Providing that the conditions recommended by Engineering Staff are imposed, Building Services does not object to this application.

REPORT COMPILED BY: D. McMahon, Acting Secretary-Treasurer

SEE ATTACHED RED LINE DRAWING

Ex. 250mmø SAN. (Approx. Location)

