

Committee of Adjustment Application for Minor Variance



Consultation with City staff is encouraged prior to submission of this application.	OFFICE USE ONLY	
	Date Received: April 24, 2020	Folder #: A-25/20
	Application deemed complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

TO BE COMPLETED BY APPLICANT

Was there pre-consultation with Planning Services staff? Yes No

THE UNDERSIGNED HEREBY APPLIES TO THE COMMITTEE OF ADJUSTMENT FOR THE CITY OF GUELPH UNDER SECTION 45 OF THE PLANNING ACT, R.S.O. 1990, C.P.13, AS DESCRIBED IN THIS APPLICATION, FROM BY-LAW NO. (1995)-14864, AS AMENDED.

PROPERTY INFORMATION:			
Address of Property: <u>67 Kirkby Court, Guelph, Ontario</u>			
Legal description of property (registered plan number and lot number or other legal description): <u>PART LOT 4, PLAN 766 DESIGNATED AS PART 1, PLAN 61R20878 TOGETHER WITH AN EASEMENT OVER PART LOT 4, PLAN 766 DESIGNATED AS PARTS 3, 5, PLAN 61R20878 AS IN WC477511 CITY OF GUELPH</u>			
REGISTERED OWNER(S) INFORMATION: (Please indicate name(s) exactly as shown on Transfer/Deed of Land)			
Name:	<u>MACKINNON HOLDINGS LIMITED</u>		
Mailing Address:	<u>51-B Inkerman Street</u>		
City:	<u>Guelph, Ontario</u>	Postal Code:	<u>N1H 3C6</u>
Home Phone:	<u>N/A</u>	Work Phone:	<u>(519) 241-8959</u>
Fax:	<u>N/A</u>	Email:	<u>EvanM@elmcoaching.com</u>
AGENT INFORMATION (If Any)			
Company:	<u>Jones Lang LaSalle</u>		
Name:	<u>Vivian Patel</u>		
Mailing Address:	<u>22 Adelaide Street W, Floor 26, Toronto, ON,</u>		
City:	<u>Toronto, Ontario</u>	Postal Code	<u>M5H 4E3</u>
Work Phone:	<u>(416) 391-6971</u>	Mobile Phone:	<u>(416) 997-7750</u>
Fax:	<u>(416) 304-6001</u>	Email:	<u>Vivian.Patel@am.jll.com</u>

Official Plan Designation: Industrial	Current Zoning Designation: B.1
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NATURE AND EXTENT OF RELIEF APPLIED FOR (variances required):
This application is for a minor variance to permit the potential future development of a smaller building area on the property of 67 Kirkby Court. Under the City of Guelph By-Law (1995) – 14864 Section 7.3.5.1, requires that future development include a building that is 15 percent of the lot area. This application is seeking relief from Section 7.3.5.1 in the amount of 14.39 percent.
There is currently no building on this property as it was severed from 405 Laird Road. The proposed conceptual site plan (attached with this application) outlines an industrial building of approximately 186 m. sq., or 0.61 percent of the lot area.

Why is it not possible to comply with the provision of the by-law? (your explanation)
A 'Trucking Operation' has been functioning on the property since 1988. The proposed use is consistent with the existing use, as well as the permitted uses under 'B.1 Industrial' zones. 67 Kirkby Court has been improved with removal of top soil, surface gravel, and paving.
The proposed size of the building within this application is the best suited for a trucking operation that has been in service within the City of Guelph and the wider region for over 32 years. While the City of Guelph By-Law (1995) – 14864 Section 7.3.5.1 requires a specific size of building within 'B.1 and B.2 Industrial' zones, a successful trucking operation on the specific property of 67 Kirkby Court does not require that size of building in order to continuously function and maintain business relationships as a 'Trucking Operation' with local and regional industries and corporation that rely on this type of use within the area.
Due to the configuration and shape of the property, a building following the Section 7.3.5.1 lot area requirement would not be conducive to various permitted industrial uses concerning truck-turning radii. Additionally, the stormwater management sewer pipes on the 67 Kirkby Court encircle the site, and building a new facility on the property would require the neighbouring lands to be redesigned and rebuilt due to loss of the existing Storm Water Management system.

PROPERTY INFORMATION			
Date property was purchased:	March 1988	Date property was first built on:	September 1988
Date of proposed construction on property:	To be determined based on this application and subsequently required Site Plan Approval application.	Length of time the existing uses of the subject property have continued:	Approx. 32 years
EXISTING USE OF THE SUBJECT PROPERTY (Residential/Commercial/Industrial etc.): Industrial			
PROPOSED USE OF LAND (Residential/Commercial/Industrial etc.): Industrial			

DIMENSIONS OF PROPERTY: (please refer to your survey plan or site plan)		
Frontage: 133.8 m	Depth: 150.4 m	Area: 30,658 m. sq.

PARTICULARS OF ALL BUILDINGS AND STRUCTURES ON THE PROPERTY (in metric)					
EXISTING (DWELLINGS & BUILDINGS)			PROPOSED		
Main Building			Main Building		
Gross Floor Area:	N/A		Gross Floor Area:	186 m. sq.	
Height of building:	N/A		Height of building:	One (1) storey	
Garage/Carport (if applicable) N/A			Garage/Carport (if applicable) N/A		
Attached <input type="checkbox"/> Detached <input type="checkbox"/>			Attached <input type="checkbox"/> Detached <input type="checkbox"/>		
Width:	N/A		Width:	N/A	
Length:	N/A		Length:	N/A	
Driveway Width:	N/A		Driveway Width:	N/A	
Accessory Structures (Shed, Gazebo, Pool, Deck)			Accessory Structures (Shed, Gazebo, Pool, Deck)		
Describe details, including height: N/A			Describe details, including height: N/A		

LOCATION OF ALL BUILDINGS AND STRUCTURES ON OR PROPOSED FOR THE SUBJECT LAND					
EXISTING			PROPOSED		
Front Yard Setback:	N/A M		Front Yard Setback:	6.0 M	
Exterior Side Yard (corner lots only)	N/A M		Exterior Side Yard (corner lots only)	N/A M	
Side Yard Setback:	Left: N/A M	Right: N/A M	Side Yard Setback:	Left: 55.4 M	Right: 126.4 M
Rear Yard Setback	N/A M		Rear Yard Setback	142.8 M	

TYPE OF ACCESS TO THE SUBJECT LANDS (please check the appropriate boxes)					
Provincial Highway <input type="checkbox"/>	Municipal Road <input checked="" type="checkbox"/>	Private Road <input type="checkbox"/>	Water <input type="checkbox"/>	Other (Specify)	

MUNICIPAL SERVICES PROVIDED (please check the appropriate boxes)					
Water <input type="checkbox"/>	Sanitary Sewer <input type="checkbox"/>	Storm Sewer <input type="checkbox"/>			
If not available, by what means is it provided: through connection to City of Guelph municipal services, as prior to the severance, provision of municipal services was via municipal service connections through 405 Laird Road.					

IS THE SUBJECT LAND THE SUBJECT OF ANY OF THE FOLLOWING DEVELOPMENT TYPE APPLICATIONS?

	No	Yes	File Number and File Status
Official Plan Amendment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Zoning By-law Amendment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Plan of Subdivision	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Site Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Building Permit	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Consent	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Previous Minor Variance Application	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

MUNICIPAL FREEDOM OF INFORMATION DECLARATION:

In submitting this development application and supporting document, the owner/authorized agent, hereby acknowledge the City of Guelph will provide public access to all development applications and supporting documentation, and provide my consent, that personal information, as defined by Section 2 of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) is collected under the authority of the Municipal Act, 2001, and in accordance with the provisions of MFIPPA. 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.

Questions regarding the collection, use, and disclosure of this information may be directed to the Information and Access Coordinator at privacy@guelph.ca or 519-822-1260 ext. 2349.

PERMISSION TO ENTER

The owner or authorized agent hereby authorizes the Committee of Adjustment members and City of Guelph staff to enter onto the above-noted property for the limited purposes of evaluating the merits of this application.

POSTING OF ADVISORY SIGN

This will confirm the requirement of the Committee of Adjustment for a sign to be posted by all applicants or authorized agents on each property under application.

A sign will be made available to you upon once the application has been processed and hearing time set. You are directed to post the sign in a prominent location that will enable the public to observe the sign. The location of each sign will depend on the lot and location of structures on it; however, the sign should be placed so as to be legible from the roadway in order that the public can see the sign and make note of the telephone number should they wish to make inquiries. In most cases, please post the sign on a stake as you would a real estate sign.

Each sign must be posted a minimum of ten (10) days prior to the scheduled hearing, until the day following the hearing. Please fill in the information below indicating your agreement to post the sign(s) as required. This form must be submitted with the application in order that it may be placed in the file as evidence that you have met with the Planning Act requirements. Failure to post the sign as required may result in a deferral of the application.

I, THE UNDERSIGNED, UNDERSTAND THAT EACH SIGN MUST BE POSTED AT LEAST TEN (10) DAYS BEFORE THE SCHEDULED HEARING OF MY APPLICATION AND BE REPLACED, IF NECESSARY, UNTIL THE DAY FOLLOWING THE HEARING.

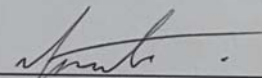
Vivian Patel

Signature of Owner or Authorized Agent

Signature of Owner or Authorized Agent

AFFIDAVIT

I/We, VIVIAN PATEL, of the City/Town of TORONTO in County/Regional Municipality of GREATER TORONTO, solemnly declare that all of the above statements contained in this application are true and I 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.



Signature of Applicant or Authorized Agent

Signature of Applicant or Authorized Agent

NOTE: The signature of applicant or authorized agent must be witnessed by a Commissioner. A Commissioner is available when submitting the application to Committee of Adjustment staff.

Declared before me at the

City/Town of Guelph in the County/Regional Municipality of

Wellington this 19 day of May, 2020.



Digitally signed by Juan DaSilva
Date: 2020.05.19 11:14:41 -04'00'

JUAN da SILVA CABRAL
A Commissioner etc. Province of Ontario for
The Corporation of the City of Guelph
Expires July 19, 2022

Commissioner of Oaths

(official stamp of Commissioner of Oaths)

APPOINTMENT AND AUTHORIZATION

I / We, the undersigned, being the registered property owner(s)

Evan MacKinnon

[Organization name / property owner's name(s)]

of 67 Kirkby Court

(Legal description and/or municipal address)

hereby authorize Vivian Patel

(Authorized agent's name)

as my/our agent for the purpose of submitting an application(s) to the Committee of Adjustment and acting on my/our behalf in relation to the application.

Dated this 7 day of April 2020.


(Signature of the property owner)

(Signature of the property owner)

NOTES:

1. If the owner is a corporation, this appointment and authorization shall include the statement that the person signing this appointment and authorization has authority to bind the corporation (or alternatively, the corporate seal shall be affixed hereto).
2. If the agent or representative is a firm or corporation, specify whether all members of the firm or corporation are appointed or, if not, specify by name(s) the person(s) of the firm or corporation that are appointed.