



THE CORPORATION OF THE MUNICIPALITY OF KINCARDINE

Subject: Easement Exemption – 413 McCullough Crescent, Pt 12 3R9268, Lot 126 Plan 3M-98

Report Number: [Report Number]

Meeting Date: Monday, January 18, 2021

Recommendation: THAT Council direct staff to revise the wording for the easement registered on Part 12 3R9268, Lot 126 Plan 3M-98, to allow for a building location with all associated costs borne by the land owner

AND FURTHER THAT the Mayor and CAO are authorized to sign all required documentation.

Date to be considered by Council: Monday, January 18, 2021

Report Summary:

At the request of Council the following report outlines the process that was discussed to allow for the shed to be located in the rear yard of 413 McCullough Cres. The lands were originally sold to the developer to expand the lot size however there was an easement registered on title that would prohibit any structures. Municipal staff circulated the request to use a portion of the lands with the easement and no concern was noted therefore staff are recommending that the easement be revised to accommodate the proposed structure. All costs should be borne by the land owner.

Origin: Request of Council

Existing Policy: User pay

Background/Analysis: The owner of the above noted property requested a permit for a shed in the rear yard. The property is zoned Residential, Open Space and Environmentally Protected. During the development of the subdivision the developer requested to purchase the Open Space and Environmentally Protected lands from the Municipality, to increase the size of the ravine lots. As part of the sale an easement, that was agreed to by all parties was registered on

title. The easement clearly indicates the lands are to be kept free and clear from buildings among other things.

Due to the proximity of the environmentally protected lands approval was required from Saugeen Valley Conservation Authority. Once the approval was attained, we then discussed with SVCA the option of doing a boundary adjustment so the property where the shed was to be located was completely in the Open Space zone, therefore, eliminating the requirement of an Official Plan amendment. The request was granted.

The use of the accessory building in the Open Space requires a minor variance and the owner has made the planning application which is scheduled for the January 28th, 2021 Committee of Adjustment meeting.

The building department circulated the request for the use of the easement to Public Works and engineering to see if there was any concern with the proposed location of the shed as it relates to the drainage easement. As the location is above the slope there was no concern noted.

To continue, the existing easement is required to be revised and the new easement registered. The wording of the easement would include wording such to allow for the shed to be located in the easement area subject to the site plan being approved by the Municipality. All costs of the legal involvement and other applications should be borne by the land owner.

Corporate Strategic Plan 2020-2025: Balancing current needs with financial and environmental considerations towards the future.

Financial Implications: All costs associated with the request should be borne by the land owner.

Attachments: Reference Plan 3R9268