

The Corporation of the City of Kawartha Lakes

Council Report

Report Number PLAN2017-004

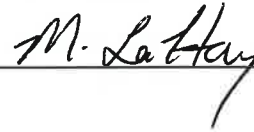
Date: January 24, 2017
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: Ward 6

Subject: A By-law to Deem Lot 20, Plan 191, geographic Township of Fenelon, being 17 Potts Shore Road (MACDONALD)

Author: Mark LaHay, Planner II

Signature:



Recommendations:

RESOLVED THAT Report PLAN2017-004, "**MACDONALD – D30-17-001**", be received;

THAT a Deeming By-law respecting Lot 20, Plan 191, substantially in the form attached as Appendix "C" to Report PLAN2017-004 be approved and adopted by Council; and

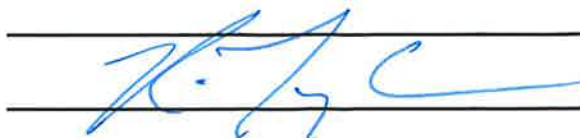
THAT the Mayor and Clerk be authorized to execute any documents required by the approval of this application.

Department Head:



Corporate Services Director / Other:

Chief Administrative Officer:



Background:

Proposal:	To deem Lot 20, Registered Plan 191, not to be a lot within a registered plan of subdivision. See Appendices “A” and “B”.	
Owners:	Bruce and Barbara MACDONALD	
Legal Description:	Lot 20, Plan 191 and Part Lot 21, Plan 191 being Part 1, Plan 57R-4355 and Part 20, Plan 57R-5497	
Official Plan:	Waterfront on Schedule “A” of the City of Kawartha Lakes Official Plan.	
Zone:	Rural Residential Type Three (RR3) Zone on Schedule “A” of the Township of Fenelon Zoning By-law No. 12-95.	
Site Servicing:	Private individual septic system and private individual well	
Existing Use:	Shoreline Residential	
Adjacent Uses:	East and West:	Shoreline Residential
	North:	Cameron Lake
	South:	Rural Residential/Agricultural

Rationale:

Please refer to Appendices “A”, “B” and “C”. The owner has requested that Council pass a Deeming By-law to effect the consolidation of Lot 20, and Part Lot 21, Plan 191, being Part 1, Plan 57R-4355 with Part 20, Plan 57R-5497. Lot 20 contains a single detached dwelling and detached garage (c. 1960 and 1988 respectively – MPAC). The owner intends to demolish the existing dwelling and construct a new dwelling with attached garage on the consolidated property. The proposed new construction would straddle the existing lot line and contravene side yard setback requirements.

Adoption of this Deeming By-law will remove the side yard setback contravention for Lot 20 and provide direct abutting frontage to Potts Shore Road to permit construction. The effect of the Deeming By-law is that Lot 20 and Part Lot 21, being Part 1 and Part 20 will consolidate into one larger property, which cannot be sold as separate lots. However, the legal description remains the same – Lot 20 and Part Lot 21, Registered Plan 191, being Part 1, Plan 57R-4355, and Part 20, Plan 57R-5497.

Other Alternatives Considered:

At this time, there are no other alternatives considered that are appropriate or represent good planning. The Deeming By-law is the appropriate method to legally consolidate the applicant’s land.

Financial Considerations:

The cost of registering the By-law is included in the application fee. There are no financial implications for the City.

Relationship of Recommendations To The 2016-2019 Strategic Plan:

The City's Strategic Plan outlines Council's vision for the municipality. The vision consists of three main Strategic Goals: that of a vibrant and growing economy, an exceptional quality of life, and a healthy environment.

This application aligns with the healthy environment priority and quality of life priority by consolidating separate lakefront land parcels and ensuring a residential lot adjacent to Cameron Lake is of sufficient size to create a suitable building envelope to support a new dwelling.

Conclusions:

The consolidation of the parcels will create one larger lot without zoning implications with respect to the placement of a new cottage building or accessory buildings or structures as it relates to setbacks from the existing parcel lot lines. In addition, it eliminates building implications with respect to having direct frontage along Potts Shore Road as required by the zoning by-law. This will facilitate the issuance of a building permit for a new dwelling and accommodate existing and future development on the property. Planning staff do not anticipate any negative impacts as a result of the consolidation.

Additional Requirements:

Pursuant to Sections 50(26) and 50(28) of the Planning Act, a certified copy or duplicate of the Deeming By-law shall be registered by the Clerk in the registry office.

Pursuant to Section 50(29) of the Planning Act, a Notice of Passing is required to be sent within thirty days to the owners. If these owners, within twenty days of the mailing of the notice of passing, give notice to the Clerk that they desire to make representations respecting the amendment or repeal of the Deeming By-law, Council shall hear each person or agent.

Attachments:

Appendix "A" – Location Map
Appendix "B" – Proposed Site Plan
Appendix "C" – Draft Deeming By-law



PLAN2017-004
Appendix 'A'.pdf



PLAN2017-004
Appendix 'B'.pdf



PLAN2017-004
Appendix 'C'.pdf

Phone: 705-324-9411 ext. 1324

E-Mail: mlahay@city.kawarthlakes.on.ca


Department Head: Chris Marshall

Department File: D30-17-001

Cameron Lake

APPENDIX " A "
to
REPORT PLAN2017-004

FILE NO. D30-17-001

 **Land Subject to
Deeming By-Law**
(Lot 20, Plan 191)

Boundary of
Subject Property

21

20

19

18

17

16

(Part 20 RP 57R-5497)

Con. 7

Potts Shore Rd

Con. 8

Lot 25

Highway 35



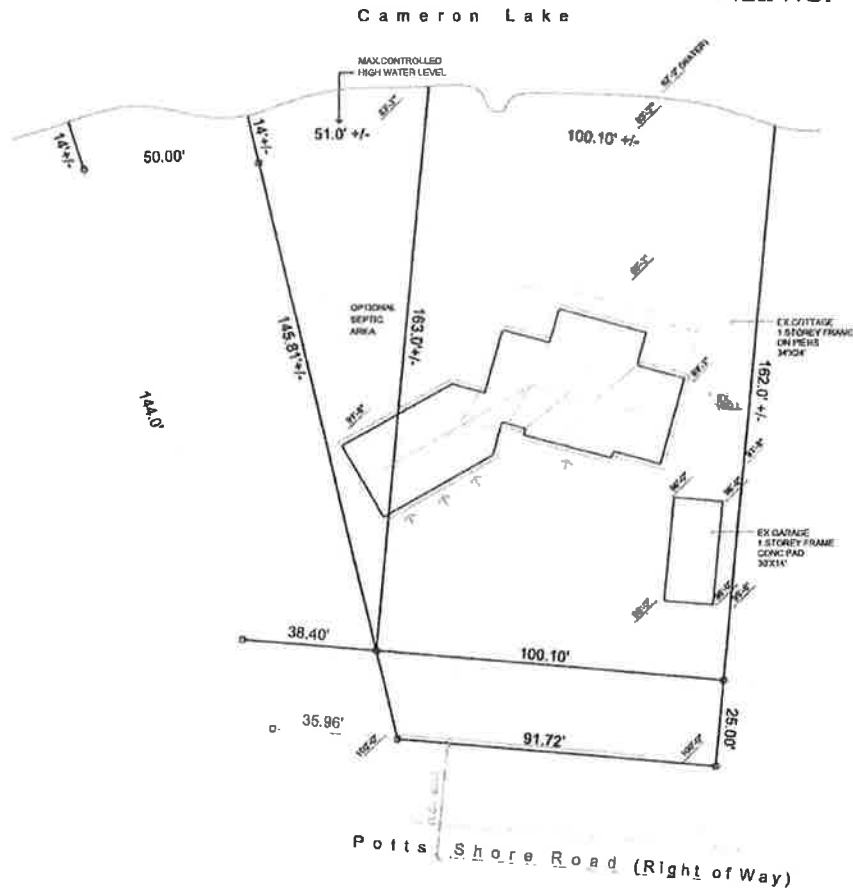
Geographic Township of Fenelon

APPENDIX " 8 "

to

REPORT PLAN 2017-004

FILE NO. 030-17-001



ZONE	RESIDENTIAL TYPE THREE (RT3)
LOT AREA	2045.87 S.M.
MIN LOT AREA	2000.0 S.M./2945.87 S.M.
MIN LOT FRONTAGE	35.0 M/28.26 M (LEGAL NON-COMPLYING)
YARDS	
MIN INTERIOR SIDE	3.1 M, 1.3 M, OPP. SIDE/
MIN REAR	7.5 M.
MIN WATER	15.0 M.
MAX LOT COVERAGE	30%
MAX LOT COVERAGE (ACC.)	-
MAX BUILDING HEIGHT	11.0 MU
STRUCTURE AREAS	
EX. DWELLING (TO BE REMOVED)	*
EX. STORAGE GARAGE	*
NEW ENTRY PORCH	*
NEW BALCONY	*
NEW ATTACHED GARAGE	82.16 S.M. (884.0 S.F.)
NEW DWELLING (GROUND FLOOR AREA)	150.97 S.M. (1732.0 S.F.)

PROPOSED

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NOTE:
SP-1 SKETCH IS NOT A
PLAN OF SURVEY
INFORMATION TAKEN FROM
PART OF SURVEY
PLAN 57R 4355
TOWNSHIP OF FENELON AND
PART OF LOT 21, REG. PLAN 191
TWP. OF FENELON

COLIN DARLING
ARCHITECTURAL DESIGN
11700 Highway 10
Unit 101
Edmonton, Alberta T6E 4E1
Canada



ACTIVITY
DCL3/16 PROPOSAL FOR REVIEW

PROJECT
MacDonald
Residence
11700 Highway 10
Unit 101
Edmonton, Alberta T6E 4E1
Canada

W.D.
Proposed
Site Plan Sketch

SCALE: 1"=30'

Sp-1

to

THE CORPORATION OF THE CITY OF KAWARTHA LAKES REPORT PLAN2017-004

BY-LAW 2017 -

FILE NO. D30-17-001

A BY-LAW TO DEEM PART OF A PLAN OF SUBDIVISION, PREVIOUSLY REGISTERED FOR LANDS WITHIN KAWARTHA LAKES, NOT TO BE A REGISTERED PLAN OF SUBDIVISION IN ACCORDANCE WITH THE PLANNING ACT PIN # 63159-0097 (LT), DESCRIBED AS LOT 20, PLAN 191, GEOGRAPHIC TOWNSHIP OF FENELON, NOW CITY OF KAWARTHA LAKES

[File D30-17-001, Report PLAN2017-004, respecting 17 Potts Shore Road – MACDONALD]

Recitals:

1. Section 50(4) of the *Planning Act* authorizes Council to deem any plan of subdivision, or part of a plan of subdivision, that has been registered for eight years or more, not to be a registered plan of subdivision for the purposes of Subsection 50(3) of the *Planning Act*, R.S.O. 1990, c.P.13.
2. Council has been requested to pass a deeming By-law, by the owner of the land described in Section 1 of this By-law.
3. A duplicate of this By-law shall be registered in the Land Registry Office in accordance with the *Planning Act*.
4. Notice of the passing of this By-law shall be mailed to the owner(s) of the land described in Section 1 of this By-law.
5. Council considers it appropriate to enact the requested By-law.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2017-__.

Article 1:00 Details

- 1.01 **Property Affected:** PIN # 63159-0097(LT). The Property affected by this By-law is described as Registered Plan 191, Lot 20, geographic Township of Fenelon, City of Kawartha Lakes.
- 1.02 **Deeming Provision:** The Property is deemed not to be part of a Registered Plan of Subdivision of the purposes of Subsection 50(3) of the *Planning Act*.

Article 2:00 General Terms

- 2.01 **Force and Effect:** This By-law shall come into force on the date it is finally passed, subject to the provisions of Sections 50(26), 50(28), and 50(29) of the *Planning Act*, R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this ** day of **, 2017.

Andy Letham, Mayor

Judy Currins, Clerk