

# The Corporation of the City of Kawartha Lakes

## Council Report

Report Number PLAN2017-005

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**Date:** January 24, 2017

**Time:** 2:00 p.m.


**Place:** Council Chambers

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**Ward Community Identifier:**

**Subject:** A By-law to Deem Lots 30 & 31, Plan 386, geographic Township of Somerville, being 89 River Road (KONIGSHAUS)

**Author:** Mark LaHay, Planner II

**Signature:** 

**Recommendation(s):**

**RESOLVED THAT** Report PLAN2017-005, "KONIGSHAUS – D30-17-002, be received;

**THAT** a Deeming By-law respecting Lots 30 & 31 , Plan 386, substantially in the form attached as Appendix "C" to Report PLAN2017-005 be approved and adopted by Council; and

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

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**Department Head:**



**Corporate Services Director / Other:**



**Chief Administrative Officer:**

## **Background:**

Proposal:	To deem Lots 30 & 31, Registered Plan 386, to not be lots within a registered plan of subdivision. See Appendix "A" and "B" attached.
Owners:	Gregory and Elizabeth KONIGSHAUS
Legal Description:	Lots 30 & 31, Plan 386
Official Plan:	Environmental Protection on Schedule A-7 of the City of Kawartha Lakes Official Plan.
Zone:	Limited Service Residential (LSR) – Flood Plain (F) on Schedule "A" of the Township of Somerville Zoning By-law No. 78-45.
Site Servicing:	Individual private well and sewage disposal system
Existing Use:	Residential (Lot 30); Vacant (Lot 31)
Adjacent Uses:	North & South: Vacant Residential/Residential East: Environmental Protection/Recreational Campground West: Shoreline Residential/Burnt River

## **Rationale:**

Please refer to Appendices "A", "B" and "C". The owners of Lots 30 and 31 have requested that Council pass a Deeming By-law to effect the consolidation of these two lots. The owners are proposing to build a small storage building, being an accessory use, north of the existing dwelling. It will be predominately located on Lot 31, which is presently not permitted as it would be located on a separate lot without a principal dwelling. Furthermore, as this proposed accessory building straddles the mutual lot line, this would contravene the side yard setback provisions for accessory structures.

Adoption of this Deeming By-law will remove the contravention of the side yard setback provision of the Zoning By-law for accessory structures and permit a new accessory structure on one property that contains a principal use. This will allow greater flexibility for siting buildings and/or structures. The effect of the Deeming By-law is that Lots 30 and 31 will consolidate and be merged into one larger property, which cannot be sold as two separate lots. However, the legal description remains the same – Lots 30 and 31, Registered Plan 386.

## **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 for the intended purpose.

## **Financial Considerations:**

The cost of registering the By-law is included in the application fee. There are no financial implications to 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 reducing the total number of residential lots within the Burnt River flood plain and by creating a larger property with a sufficient land area to support the existing and proposed development.

## **Conclusions:**

The consolidation of the parcels of land will create a larger lot through the merger of the subject lots. This shall 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" – Applicant's Sketch

Appendix "C" – Draft Deeming By-law



PLAN2017-005  
Appendix 'A'.pdf



PLAN2017-005  
Appendix 'B'.pdf



PLAN2017-005  
Appendix 'C'.pdf

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**Department Head:** Chris Marshall

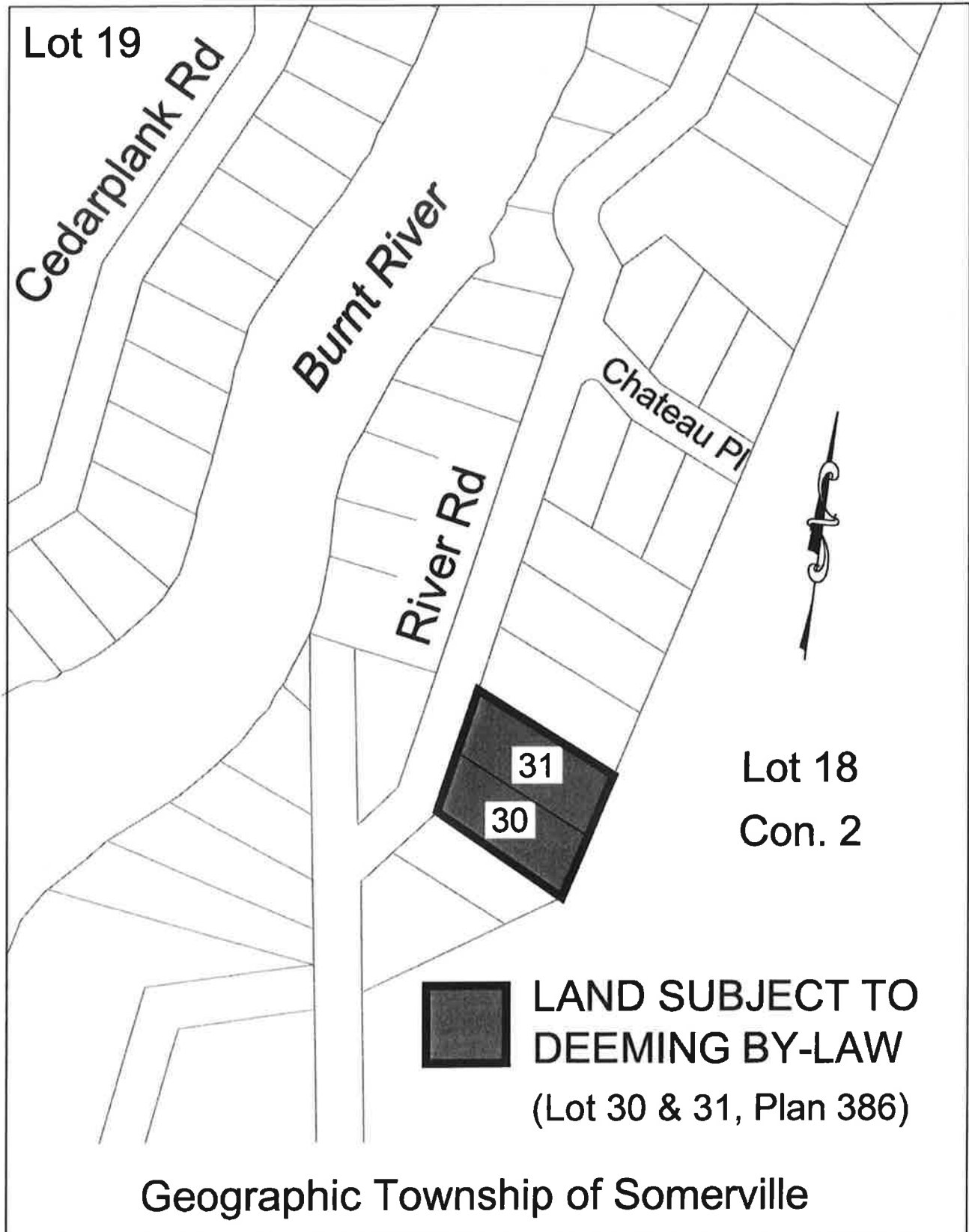
**Department File:** D30-17-002

APPENDIX " A "

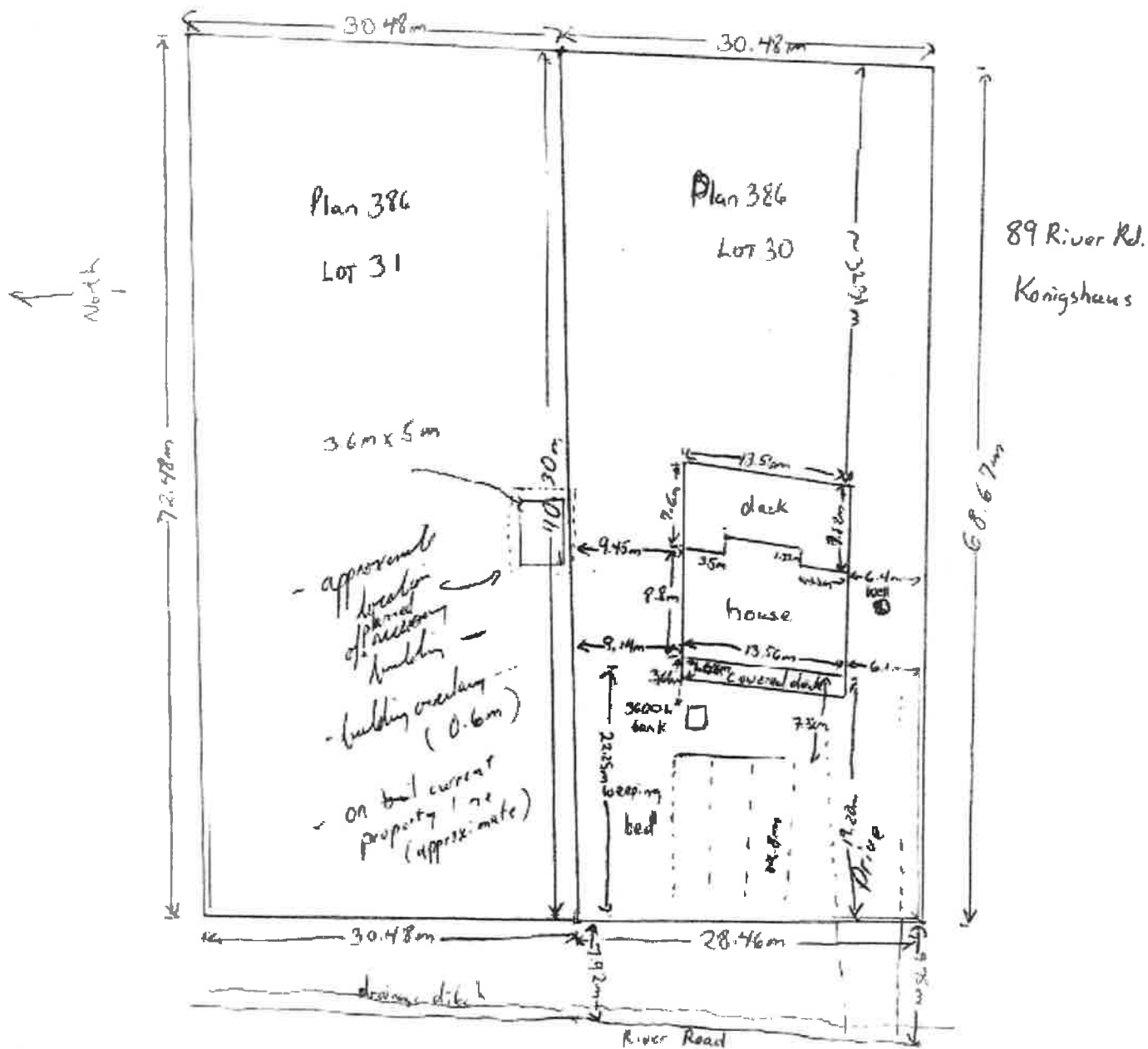
to

REPORT PLAN2017-005

FILE NO. D30-17-002



APPENDIX "B"  
to  
REPORT PLAN 2017-005  
FILE NO. 030-17-002



to

THE CORPORATION OF THE CITY OF KAWARTHA LAKES REPORT PLAN2017-005

## BY-LAW 2017 -

FILE NO. 030-17-002

**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 # 63119-1434 (LT) AND PIN # 63119-0283 DESCRIBED AS LOTS 30 AND 31, PLAN 386, GEOGRAPHIC TOWNSHIP OF SOMERVILLE, NOW CITY OF KAWARTHA LAKES**

[File D30-17-002, Report PLAN2017-005 respecting 89 River Road – KONIGSHAUS]

**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 # 63113-1434 (LT) and PIN # 63119-0283 (LT). The Property affected by this By-law is described as Lots 30 and 31, Plan 386, geographic Township of Somerville, 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.

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Andy Letham, Mayor

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Judy Currins, Clerk