

The Corporation of the City of Kawartha Lakes

Council Report

Report Number PLAN2018-072

Date: November 13, 2018

Time: 2:00 p.m.

Place: Council Chambers

Ward Community Identifier: Ward 16 - Manvers

Subject: A by-law to deem Lot 4, Registered Plan 5, 1473 Highway 7A, geographic Township of Manvers (2341209 Ontario Inc.) – Planning File D30-2018-014

Author and Title: David Harding, Planner II

Recommendation:

RESOLVED THAT Report PLAN2018-072, respecting Lot 4, Registered Plan 5, geographic Township of Manvers, **2341209 Ontario Inc. – Application D30-2018-014**, be received;

THAT a Deeming By-law respecting Lot 4, Registered Plan 5, substantially in the form attached as Appendix D to Report PLAN2018-072, be approved and adopted by Council; and

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

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

| | | | |
|-----------------|---|---|--|
| Proposal: | To deem Lot 4, Registered Plan 5, not to be a lot within a registered plan of subdivision | | |
| Owner: | 2341209 Ontario Inc. c/o Ho Young Kwak | | |
| Official Plan: | Hamlet Settlement Area – City of Kawartha Lakes Official Plan | | |
| Zone: | General Commercial (C1) Zone – Township of Manvers Zoning By-law 87-06 | | |
| Site Servicing: | Two private individual wells and one holding tank | | |
| Existing Use: | Residential, Commercial (Bethany General Store) | | |
| Adjacent Uses: | North: | Community Facility (Bethany United Church), Residential | |
| | South: | Community Facility (Bethany Library), Commercial (Williams Design Studio) | |
| | East: | Commercial (TD Canada Trust), Residential | |
| | West: | Residential | |

Rationale:

The owner is proposing to construct an addition to the Bethany General Store. The addition will be a warehouse and receiving area, which will permit delivery trucks to park fully behind the front wall of the store when making their deliveries. The proposed addition straddles Lot 4 and Lot 5 of Registered Plan 5. The subject property owns all of Lot 4 but only a part of Lot 5, see Appendix B. Lot 4, as a whole of a lot on a registered plan of subdivision, is a separately conveyable lot. The proposal does not comply with the Zoning By-law as the boundary between Lots 4 and Part of Lot 5 is treated as a lot line. Lot 4 must be consolidated with Part of Lot 5 for the proposed development to proceed in compliance with the zoning by-law. Therefore, the owner has requested Council pass a Deeming By-law to deem Lot 4, Registered Plan 5, not to be a lot within a registered plan of subdivision.

Adoption and subsequent registration of this Deeming By-law (see Appendix D) will consolidate Lot 4, Plan 5, with Part of Lot 5, Plan 5 so that Lot 4 cannot be sold separately. The legal description will remain the same: Lot 4 N/S King Street, Part Lot 5 N/S King Street, Registered Plan 5.

Other Alternatives Considered:

There are no other alternatives considered to be appropriate or represent good planning. The Deeming By-law is the appropriate method to legally consolidate the owner's lands.

Financial/Operation Impacts:

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

Relationship of Recommendation(s) 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 vibrant and growing economy goal by facilitating an expansion to a commercial operation.

Conclusion:

The consolidation will create one larger lot. The deeming by-law will facilitate the issuance of a building permit for the proposed commercial addition. Planning staff do not anticipate any negative impacts as a result of the consolidation.

Attachments:

Appendix A – Location Map



Appendix A to
PLAN2018-072.pdf

Appendix B – Applicant Sketch



Appendix B to
PLAN2018-072.pdf

Appendix C – Subdivision Plan Excerpt



Appendix C to
PLAN2018-072.pdf

Appendix D – Draft Deeming By-law



Appendix D to
PLAN2018-072.pdf

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall

Department File: D30-2018-014