

# **The Corporation of the City of Kawartha Lakes**

## **Council Report**

**Report Number PLAN2018-080**

---

**Date:** November 13, 2018

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

**Place:** Council Chambers

---

**Ward Community Identifier:** 5

**Subject:** A By-law to Deem Lots 35 to 37, Registered Plan 185, geographic Township of Bexley, being 83 Ridge Drive (Willoughby)

**Author and Title:** Mark LaHay, Planner II

---

### **Recommendation(s):**

**That** Report PLAN2018-080 respecting Lots 35 to 37, Registered Plan 185, geographic Township of Bexley, Willoughby – Application D30-2018-015 be received;

**That** a Deeming By-law respecting Lots 35 to 37, Registered Plan 185, substantially in the form attached as Appendix “C” to Report PLAN2018-080 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:	The owner has requested Council pass a Deeming By-law to deem Lots 35 to 37, Registered Plan 185, not to be lots within a registered plan of subdivision (see Appendices “A” and “B”).		
Owner:	John Charles Willoughby		
Legal Desc:	Lots 35 to 37, Registered Plan 185, geographic Township of Bexley		
Official Plan:	“Waterfront” in the City of Kawartha Lakes Official Plan		
Zone:	“Rural Residential Type Three Exception One (RR3-1) Zone” in the Township of Bexley Zoning By-law No. 93-09		
Site Servicing:	Lake based water supply and private individual septic system		
Existing Use:	Residential (single detached dwelling and residential accessory structures) on Lot 36. Lots 35 and 37 are vacant.		
Adjacent Uses:	Northeast:	Waterfront Residential	
	Southeast:	Ridge Drive, Rural	
	Southwest:	Waterfront Residential	
	Northwest:	Balsam Lake	

## Rationale:

The owner of Lots 35 to 37 (inclusive) has requested that Council pass a Deeming By-law to effect the consolidation of these three lots. The owner currently has their existing dwelling, a principal use, located on Lot 36, including an accessory use, being a shed, whereas a portion of the existing driveway serving the dwelling is on Lot 35 and the septic system is close to Lot 37. This proposed consolidation would remove any potential present or future contraventions with construction with respect to the side yard setback provisions for buildings or accessory structures and septic systems. Please refer to Appendices “A” and “B”.

Adoption and subsequent registration of this Deeming By-law (see Appendix “C”) will allow greater flexibility for siting buildings and/or structures and permit accessory structures on one property that contains a principal use. The effect of the Deeming By-law is that Lots 35 to 37 will consolidate and be merged into one larger property, which cannot be sold as three separate lots. The legal description will remain the same as Lots 35 to 37, Registered Plan 185.

## **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 healthy environment priority and quality of life priority by reducing the total number of residential lots adjacent to Balsam Lake and by creating a larger property with a sufficient land area to support the existing and future 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:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please contact Mark LaHay, Planner II at 705.324.9411 x 1324.



Appendix 'A'  
PLAN2018-080.pdf



Appendix 'B'  
PLAN2018-080.pdf



Appendix 'C'  
PLAN2018-080.pdf

Appendix "A" – Location Map

Appendix "B" – Owner's Sketch and Survey Plans of Lots 33-37, Plan185

Appendix "C" – Draft Deeming By-law

**Department Head E-Mail:** [cmarshall@kawarthalakes.ca](mailto:cmarshall@kawarthalakes.ca)

**Department Head:** Chris Marshall

**Department File:** D30-2018-015