

The Corporation of the City of Kawartha Lakes
Council Report

Report Number PLAN2018-077

Date: November 13, 2018

Time: 2:00 p.m.

Place: Council Chambers

Ward Community Identifier: Ward 5 - Bexley

Title: A By-law to Deem Lot 11, Registered Plan 256, 71 Homewood Park Road, geographic Township of Bexley (Brianka) – Planning file D30-2018-012

Author and Title: Anna Kalnina, Planner II

Recommendation(s):

Resolved That Report PLAN2018-077, respecting Lot 11, Registered Plan 256, geographic Township of Bexley, **Brianka – Application D30-2018-012**, be received;

That a Deeming By-law respecting Lot 11, Registered Plan 256, substantially in the form attached as Appendix D to Report PLAN2018-077, 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 11, Registered Plan 256, not to be a lot within a registered plan of subdivision
Owner:	Steven Bruce and Amber Lee Brianka
Official Plan:	Waterfront – City of Kawartha Lakes Official Plan
Zone:	Rural Residential Type Three (RR3) Zone – Township of Bexley Zoning By-law Number 93-09
Site Servicing:	Private well and septic system
Existing Use:	Residential
Adjacent Uses:	North, South: Second Tier Shoreline Residential
	East: Shoreline Residential and Balsam Lake
	West: Agricultural

Rationale:

At the Council Meeting of March 6, 2018, Council carried resolution CR2018-102 to declare a portion of road allowance legally described as Part of Blocks A and B, Plan 175, in the Geographic Township of Bexley, City of Kawartha Lakes (see Appendix C), surplus to municipal needs. Council approved sale of the portions of the road allowance to the adjoining owners to rectify encroachment issues within the road allowance. On September 25, 2018, Council adopted By-law 2018-188 to stop up and close parts of the road allowance.

On behalf of the land owners, Realty Services, has requested that Council pass a Deeming By-law to effect the consolidation of Lot 11, Registered Plan 256 with Part of Block A, Plan 175 being Part 4, 57R-10646, being the requested part of the road allowance (see Appendix A and B). The sale of the requested part of the road allowance is conditional upon registration of a Deeming By-law.

Adoption and subsequent registration of this Deeming By-law (see Appendix D) will consolidate Lot 11, Registered Plan 256 with Part of Block A, Plan 175 being Part 4, 57R-10646 into one larger lot so they cannot be sold separately. The legal description will remain the same: Lot 11, Plan 256 and Part of Block A, Plan 175; Part 4, 57R-10646.

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 owners' lands.

Financial/Operation Impacts:

The Deeming By-law application was filed and paid by Realty Services. Realty Services will collect the cost of registering the By-law from the owners with closing costs. There are no financial implications anticipated 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 quality of life and healthy environment priorities by rectifying encroachment issues and creating a property with a larger building envelope to support the existing residence, accessory structures and on-site servicing.

Conclusion:

The consolidation of the lot with a portion of an unopened road allowance will rectify encroachment issues within the road allowance. Planning staff do not anticipate any negative impacts as a result of the consolidation.

Attachments:

Appendix A – Location Map



Appendix A to
PLAN2018-077.pdf

Appendix B – Survey



Appendix B to
PLAN2018-077.pdf

Appendix C – Sketch of Homewood Park



Appendix C to
PLAN2018-077.pdf

Appendix D – Draft Deeming By-law



Appendix D to
PLAN2018-077.pdf

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall

Department File: D30-2018-012