

The Corporation of the City of Kawartha Lakes

Council Report

Report Number PLAN2017-055

Date: August 22, 2017
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: Ward 8

Subject: A By-law to Deem Lot 16, Registered Plan 79, geographic Township of Mariposa, being 454 Eldon Road (Mutton and Frey)

Author: David Harding, Planner I

Recommendations:

RESOLVED THAT Report PLAN2017-055, "Mutton and Frey – D30-17-005", be received;

THAT a Deeming By-law respecting Lot 16, Registered Plan 79, substantially in the form attached as Appendix "D" to Report PLAN2017-055, be approved and adopted by Council; and

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

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

Proposal:	To deem Lot 16, Registered Plan 79, not to be a lot within a registered plan of subdivision. See Appendices “A” and “B” attached.
Owners:	Oliver Mutton and Avery Frey
Applicant:	Oliver Mutton
Official Plan:	“Hamlet Settlement Area” – City of Kawartha Lakes Official Plan
Zone:	“Hamlet Residential (HR) Zone” – Township of Mariposa Zoning By-law Number 94-07
Site Servicing:	Private individual on-site sewage system and well.
Existing Use:	Residential
Adjacent Uses:	North, South, West: Residential East: Agricultural

Rationale:

The owners are proposing to build an addition (covered porch) to the existing dwelling. The construction required variances. Please refer to Appendices “A”, “B” and “C”. As a result of the review of the variance application, it was determined that the proposed construction crosses over Lot 16 onto additional lands owned by the owners. The northern wall of the existing dwelling was also determined to be in close proximity to this lot line. These additional lands are not part of Registered Plan 79. On July 20, 2017, the Committee of Adjustment granted variances to permit the proposed construction, and required the adoption of a Deeming By-law as one of its conditions of approval. The owners of Lot 16 have requested that Council pass a Deeming By-law to effect the consolidation of the lot with the balance of the lands owned by them outside of Registered Plan 79, legally described at Part West Half of Lot 16, Concession 5. The deeming by-law will bring the existing and proposed development into conformity with the applicable zone provisions. Please refer to Appendix “D”.

Adoption and subsequent registration of this Deeming By-law will consolidate Lot 16, Plan 79 and Part West Half of Lot 16, Concession 5, into one larger lot so they cannot be sold separately. The legal description will remain the same: Lot 16 East Side of King Street and North Side of Mill Street, Registered Plan 79, and Part West Half of Lot 16, Concession 5.

Other Alternatives Considered:

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 owners’ land.

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 quality of life and healthy environment priorities by creating a property with a larger building envelope to support the existing residence and on-site servicing, and by reducing the total number residential of undersized lots within the Little Britain Hamlet Settlement Area.

Conclusion:

The consolidation of the lands will create one larger lot. As a result, the proposed and existing construction will no longer cross/be in close proximity to a lot line, bringing the development into conformity with the applicable zone provisions. Planning staff do not anticipate any negative impacts as a result of the consolidation.

Attachments:

Appendix A – Location Map



PLAN2017-055
Appendix A.pdf

Appendix B – Survey



PLAN2017-055
Appendix B.pdf

Appendix C – Applicant Sketches



PLAN2017-055
Appendix C.pdf

Appendix D – Draft Deeming By-law



PLAN2017-055
Appendix D.pdf

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Department File: D30-17-005