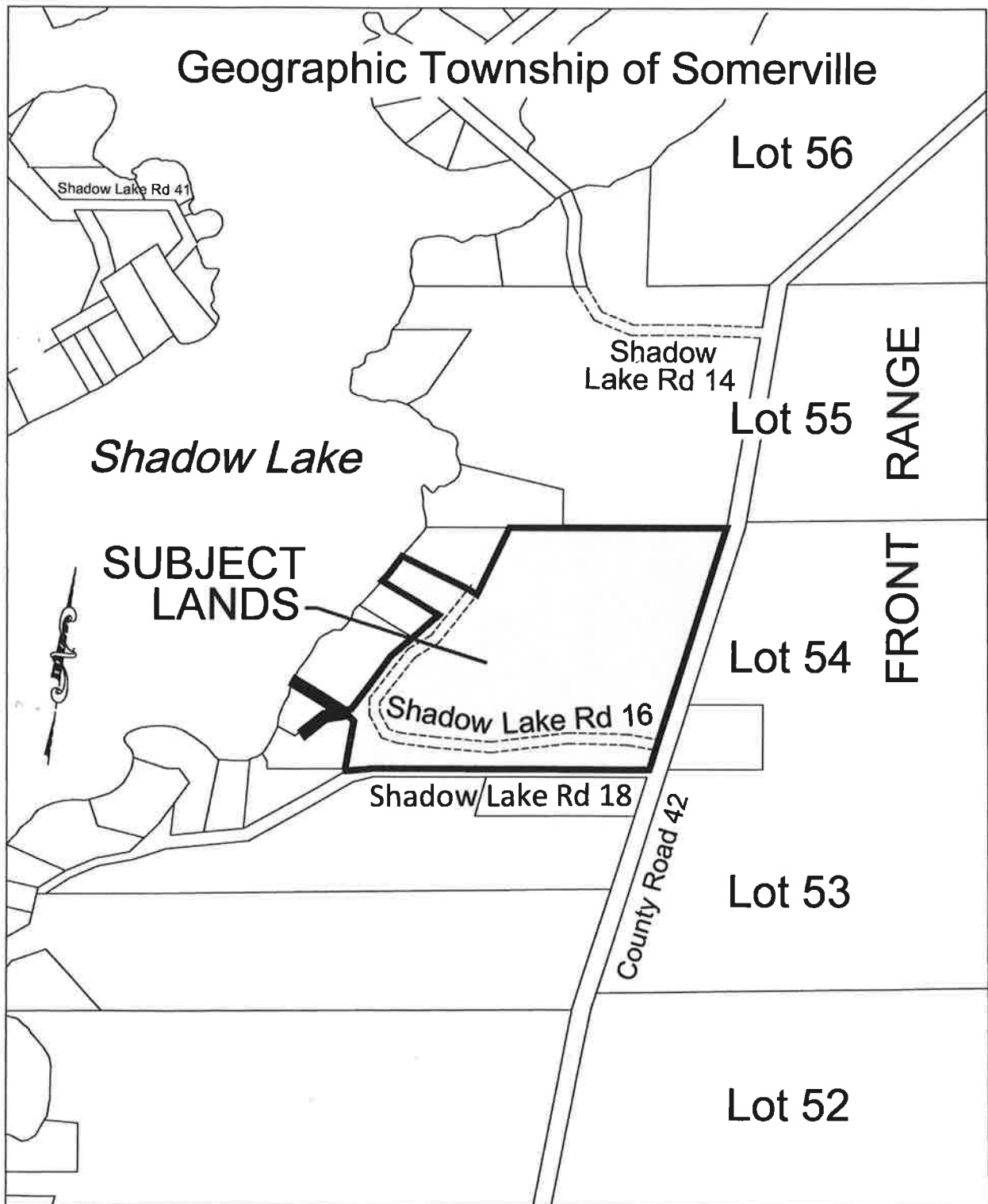


to

REPORT COA2019-047

FILE NOS: D03-2018-012 to 014

D03-2018-012, D03-2018-013, D03-2018-014

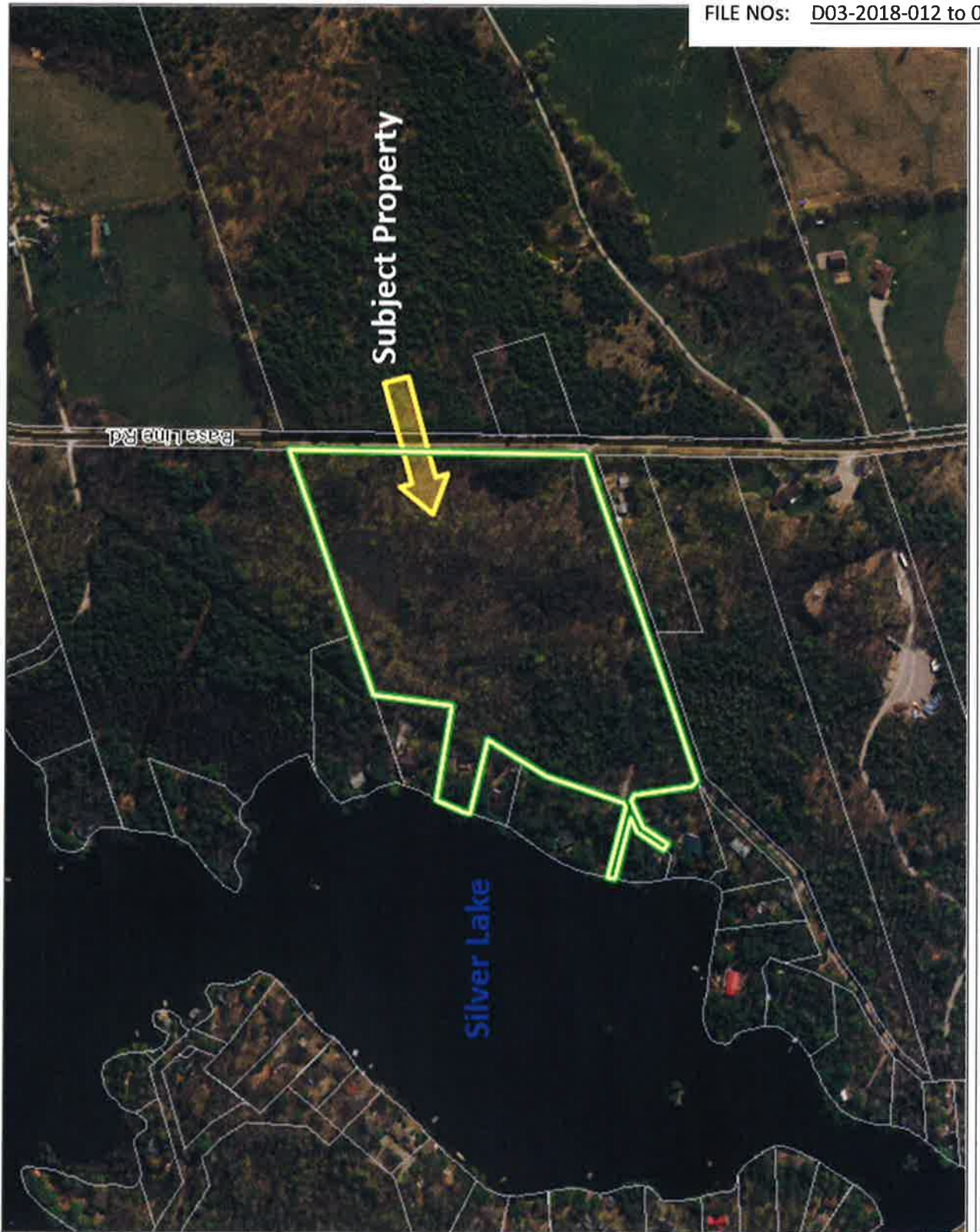


to

REPORT COA2019-047

FILE NOs: D03-2018-012 to 014

41 Shadow Lake Road 16



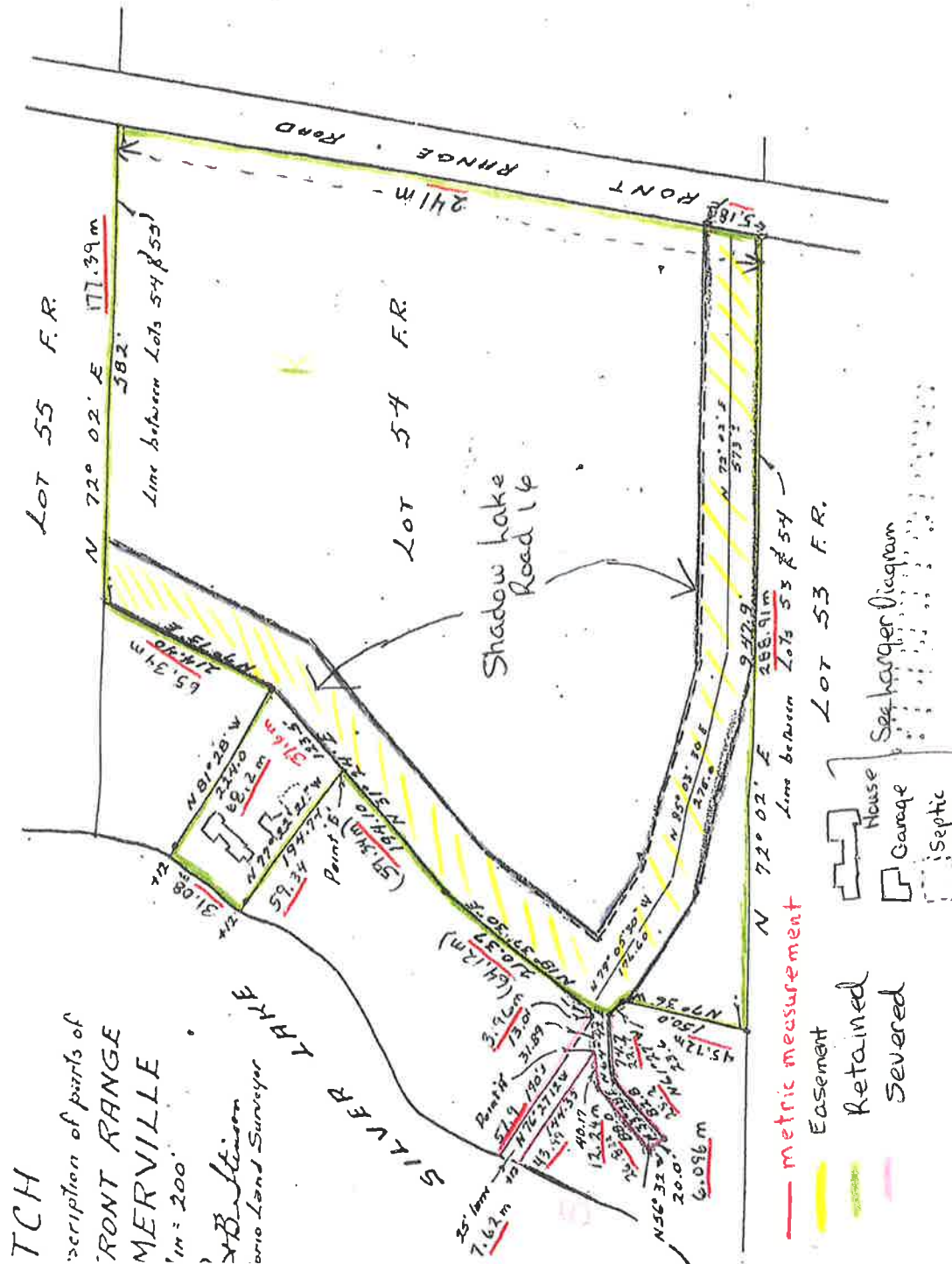
003-2018-012

APPENDIX " C-1 "

to

REPORT COA2019-047

FILE NOS: D03-2018-012 to 014

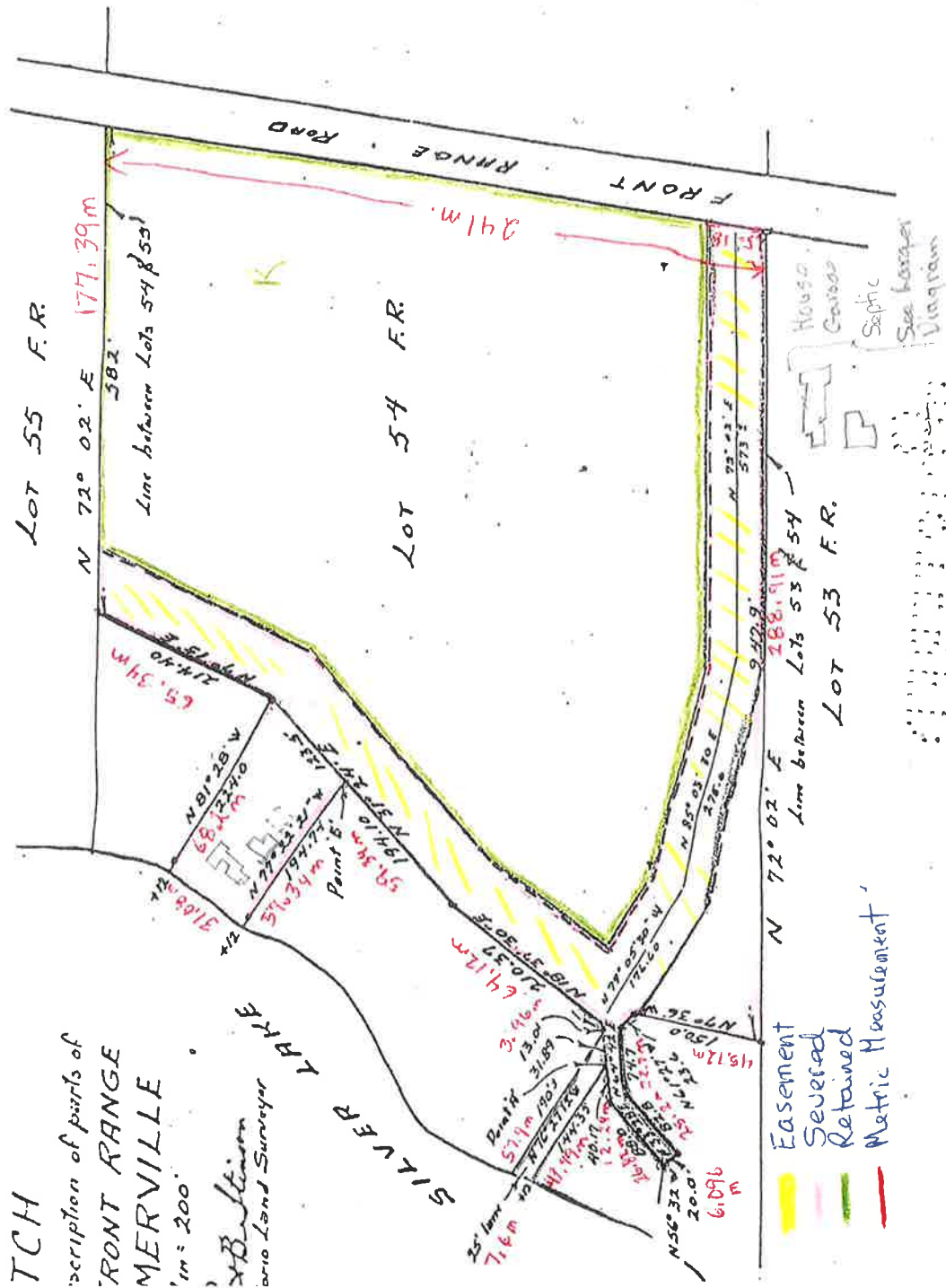


003-2018-013

to

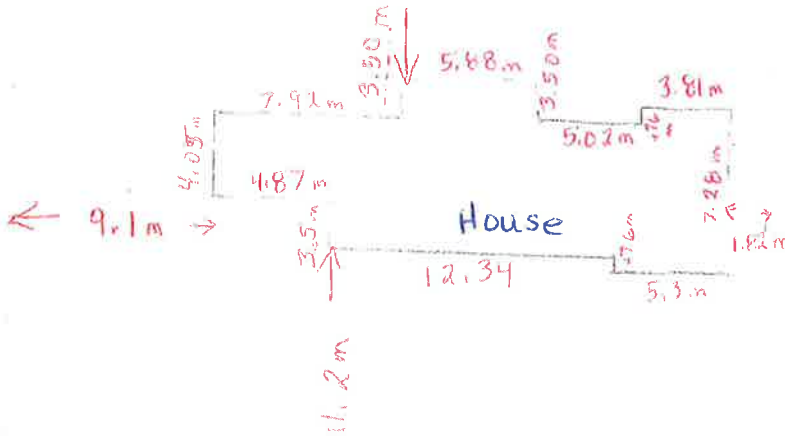
REPORT COA2019-047

FILE NOS: D03-2018-012 to 014

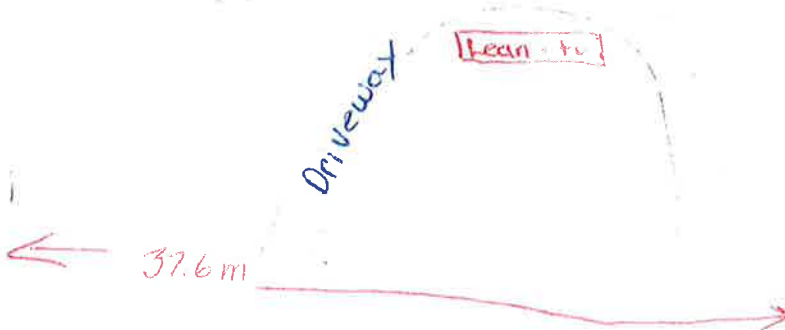
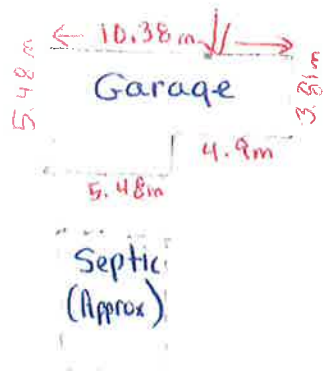




003-2018-013



Footprint
of Home

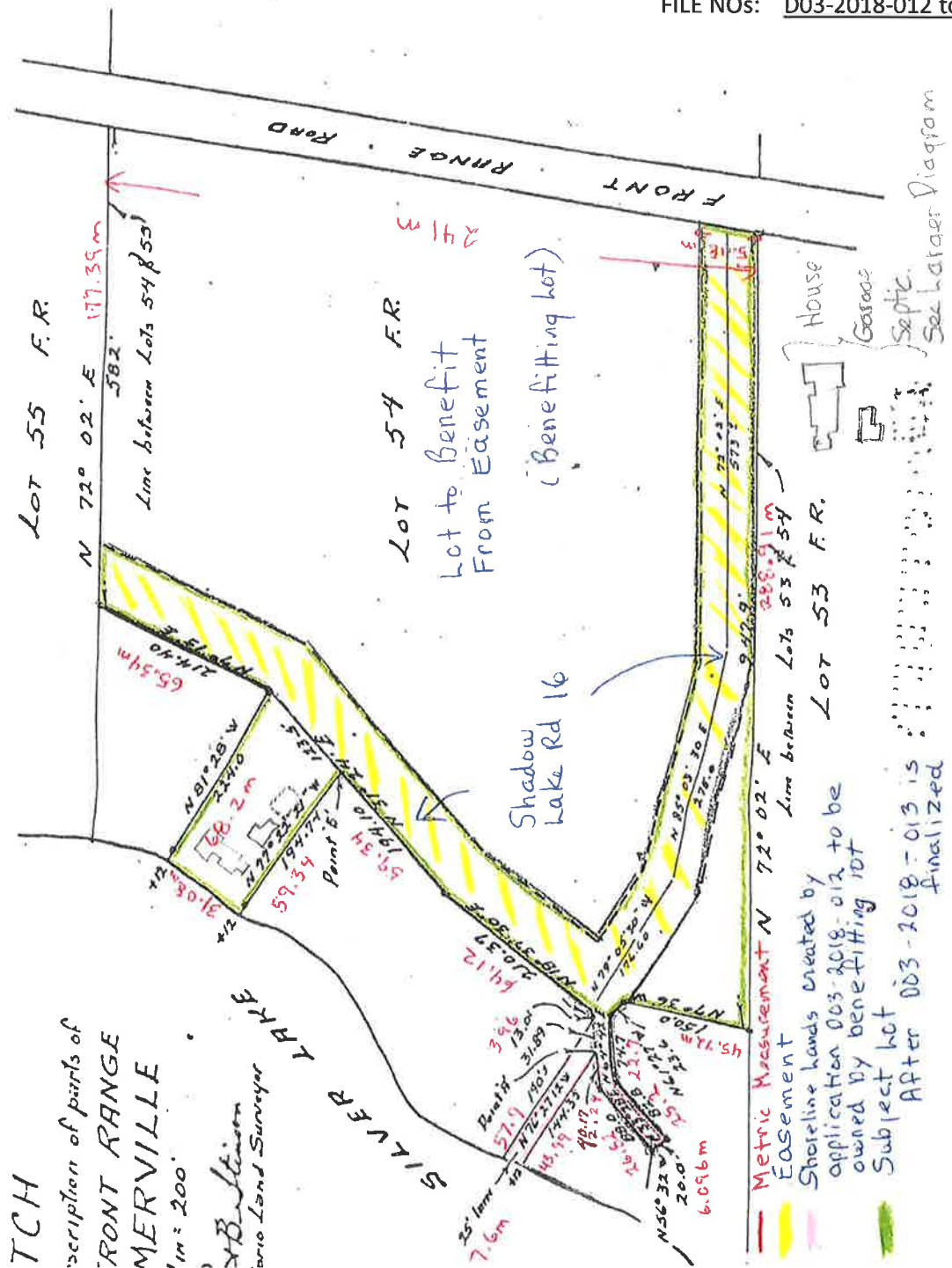


to

REPORT COA2019-047

FILE NOs: D03-2018-012 to 014

003-2018-014



Revised Nov 20, 2018 003-2018-012

TCH

Description of parts of

FRONT RANGE

MERVILLE

1" = 200'

Bartholomew
Civil Land Surveyor

FRONT RANGE

Lot 55 F.R.

N 72° 02' E 177.39'

582'

Line between Lots 54 & 55

Lot 54 F.R.

Lot to Benefit
From Easement
(Benefitting Lot)

Shadow
Lake Road 16

Lot 53 F.R.

House

Garage

Septic

See Larger Diagram

Metric Measurement N 72° 02' E 177.39'
Easement
Shoreline lands created by
application 003-2018-012 to be
owned by benefitting lot

Subject lot
After 003-2018-013 is finalized

APPENDIX " D-1 "

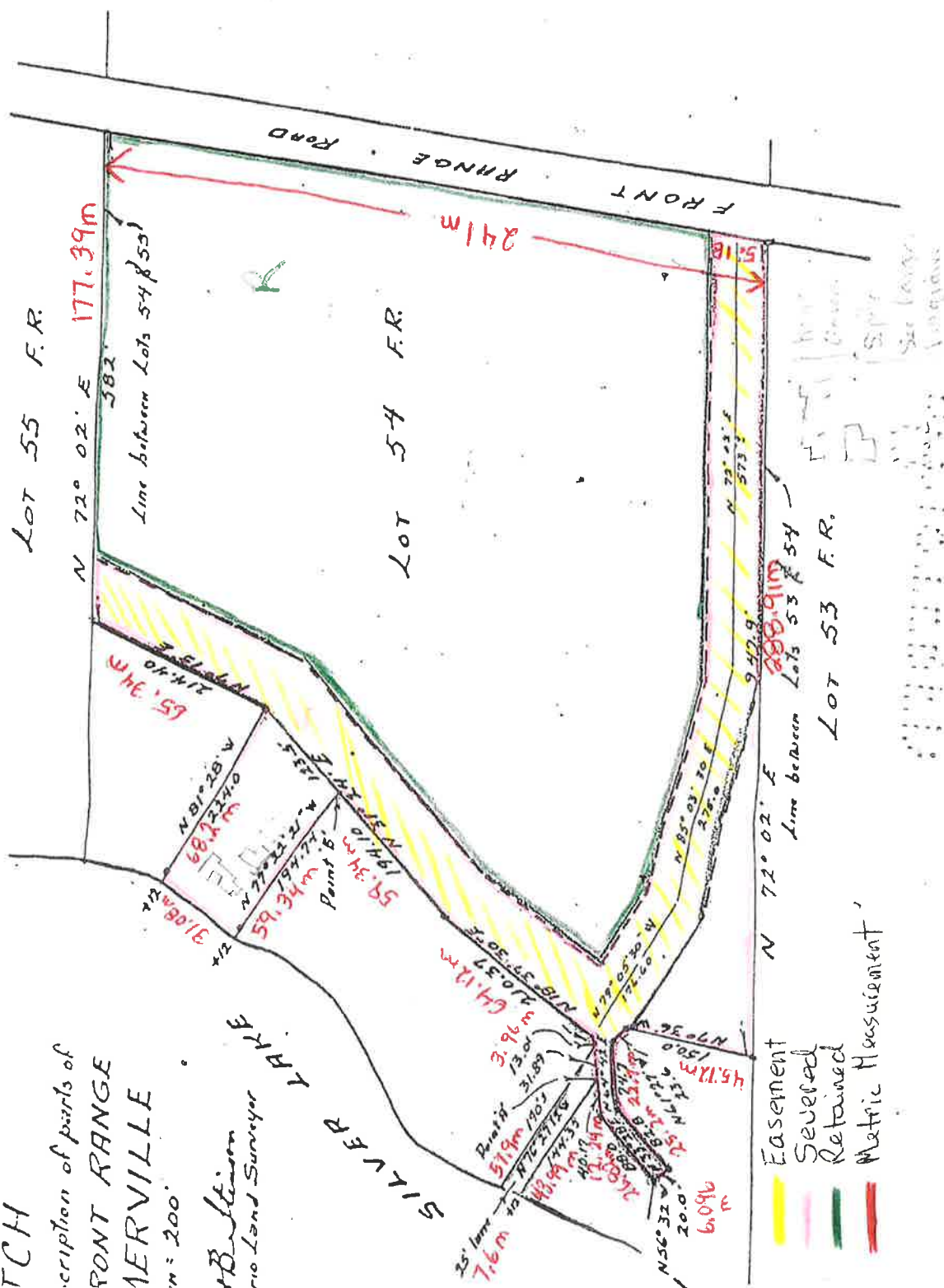
to

REPORT COA2019-047

FILE NOS: D03-2018-012 to 014

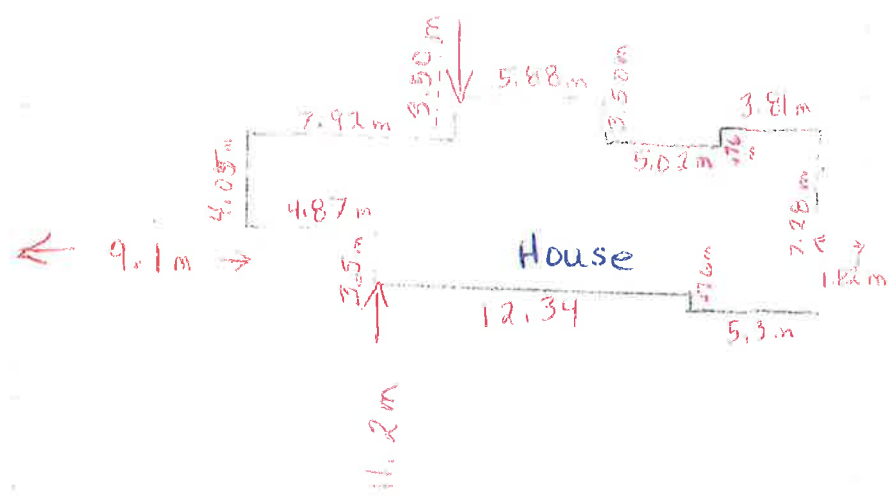


W. B. Dickinson
City and County Surveyor

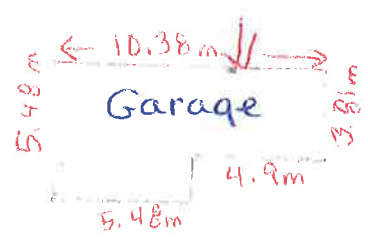




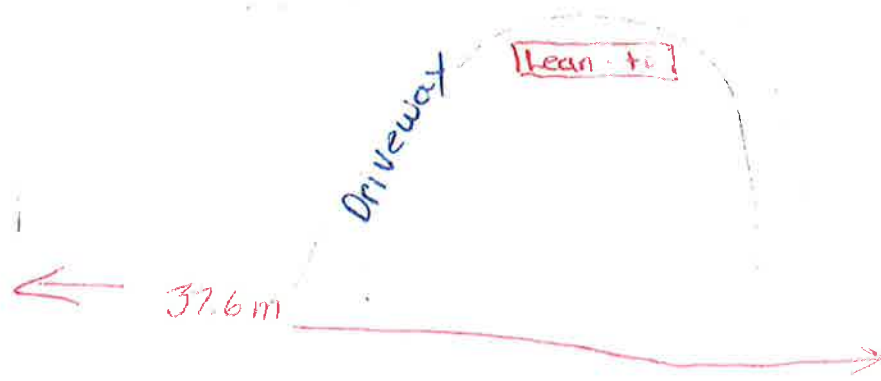
003-2018-013



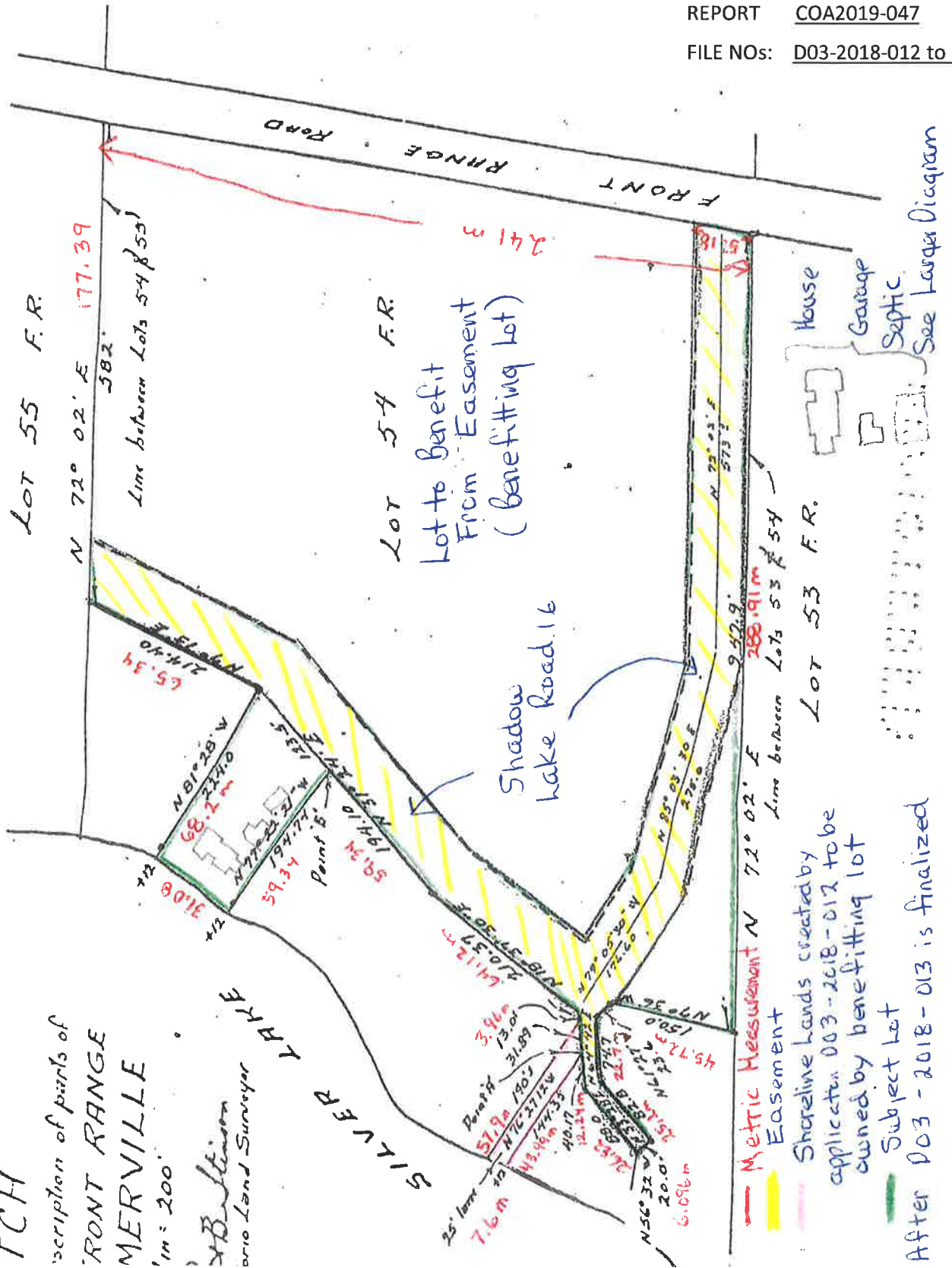
Footprint
of Home



Septic
(Approx)



After 003-2018-013 is finalized



to

Proposed Conditions – Application D03-2018-012

REPORT COA2019-047FILE NOS: D03-2018-012 to 014

1. This approval applies to the transaction applied for, subject to the minor revisions shown on the sketch dated November 20, 2018 attached to and forming part of this decision.
2. The owner of the proposed severed parcel and benefitting lot, being the retained lands of Application D03-2018-013, enter into a merger agreement, pursuant to Section 51(26) of the Planning Act, with the City of Kawartha Lakes to the effect that the parcel to be severed and the benefitting lot will henceforth be dealt with as one lot. The agreement shall be registered against both the severed and benefitting parcels. The owner shall apply for and pay the prescribed fee for the agreement.
3. The registering solicitor shall undertake to register the agreement specified in Condition 3 on title to both parcels in priority to any other document or security commensurate with the registration of Transfer and shall also undertake to provide a copy of the registered agreement as conclusive evidence of the fulfillment of the undertaking.
4. The owner shall apply for, pay the prescribed fee, and obtain an amendment to the Zoning By-law respecting the lot to be severed such that it be rezoned to permit residential accessory uses and apply any applicable development standards, and the By-law be in effect.
5. The owner submits to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the lot to be severed for review and endorsement and the subsequent registered reference plan of survey.
6. The owner submits to the Secretary-Treasurer payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
7. Payment to the City of Kawartha Lakes of the stamping fee prevailing at the time the deeds are stamped, for the review and clearance of these conditions. The current fee is \$450.00. Payment shall be by certified cheque, money order, or from a lawyers trust account.
8. Submit to the Secretary-Treasurer a deed in triplicate for endorsement with the certificate of consent which deed shall contain a registerable description of the parcel of land described in the decision.
9. The owner shall pay all costs associated with the registration of the required documents.
10. The owner's solicitor shall provide a written undertaking to the Secretary-Treasurer confirming, pursuant to Subsection 53(43) of the Planning Act, that the deed in respect of this transaction shall be registered in the proper land registry office within six months from the date that the Secretary-Treasurer's certificate is stamped on the deed, failing which the consent shall lapse.
11. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.

12. All of these conditions shall be fulfilled within a period of one year after the giving of the Notice of Decision, failing which, pursuant to Subsection 53(41) of the Planning Act, this consent shall be deemed to be refused.

to

Proposed Conditions – Application D03-2018-013

REPORT COA2019-047FILE NOs: D03-2018-012 to 014

1. This approval applies to the transaction applied for, subject to the minor revisions shown on the sketch dated November 20, 2018 attached to and forming part of this decision.
2. That this application be deemed refused if the related application for consent, being file number D03-2018-012, lapses.
3. The owner shall apply for, pay the prescribed fee, and obtain an amendment to the Zoning By-law respecting the lot to be severed such that it be rezoned to a residential zone category to unify and standardize any applicable development standards, and the By-law be in effect.
4. The owner shall apply for, pay the prescribed fee, and obtain an amendment to the Zoning By-law respecting the lot to be retained such that it be rezoned to a Rural General Exception (RG-*) Zone category to permit its reduced lot area and lot frontage, and unify and standardize any applicable development standards, and the By-law be in effect. As part of the zoning by-law amendment application, the owner shall submit surveyor confirmation of the resultant frontage on Baseline Road to remain with the proposed retained lot as well as the area of the proposed retained lot.
5. Submit to the Secretary-Treasurer written confirmation from the City's Manager of Road Operations that an entrance permit would be available for the lot to be retained, or written confirmation that the applicant has satisfied the City's requirements with respect to a proposed entrance.
6. Payment of cash-in-lieu of the dedication of parkland, equal to 5% of the appraised value of the land to be severed, as determined by an experienced and qualified land appraiser (CRA or AACI) as of the day before the day the provisional consent was given. The appraisal report shall accompany the cash-in-lieu payment. The City is not required to accept the appraisal report and reserves the right to peer-review the appraisal report and negotiate the cash-in-lieu payment. Payment shall be made by certified cheque, money order, or from a lawyers trust account.
7. Submit to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the lot to be severed for review and endorsement and the subsequent registered reference plan of survey.
8. Submit to the Secretary-Treasurer payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
9. Payment to the City of Kawartha Lakes of the stamping fee prevailing at the time the deeds are stamped, for the review and clearance of these conditions. The current fee is \$450.00. Payment shall be by certified cheque, money order, or from a lawyers trust account.
10. Submit to the Secretary-Treasurer a deed in triplicate for endorsement with the certificate of consent which deed shall contain a registerable description of the parcel of land described in the decision.

11. The owner shall pay all costs associated with the registration of the required documents.
12. The owner's solicitor shall provide a written undertaking to the Secretary-Treasurer confirming, pursuant to Subsection 53(43) of the Planning Act, that the deed in respect of this transaction shall be registered in the proper land registry office within six months from the date that the Secretary-Treasurer's certificate is stamped on the deed, failing which the consent shall lapse.
13. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
14. All of these conditions shall be fulfilled within a period of one year after the giving of the Notice of Decision, failing which, pursuant to Subsection 53(41) of the Planning Act, this consent shall be deemed to be refused.

to

Proposed Conditions – Application D03-2018-014

REPORT COA2019-047FILE NOs: D03-2018-012 to 01

1. This approval applies to the transaction applied for, subject to the minor revisions shown on the sketch dated November 20, 2018 attached to and forming part of this decision.
2. This application be deemed refused if the related consent application, being file number D03-2018-013, lapses.
3. Submit to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the easement(s) for review and endorsement and the subsequent registered reference plan of survey.
4. Submit to the Secretary-Treasurer payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
5. Payment to the City of Kawartha Lakes of the stamping fee prevailing at the time the deeds are stamped, for the review and clearance of these conditions. The current fee is \$225.00. Payment shall be by certified cheque, money order, or from a lawyers trust account.
6. Submit to the Secretary-Treasurer a deed in triplicate for endorsement with the certificate of consent which deed shall contain a registerable description of the parcel of land described in the decision.
7. The owner shall pay all costs associated with the registration of the required documents.
8. The owner's solicitor shall provide a written undertaking to the Secretary-Treasurer confirming, pursuant to Subsection 53(43) of the Planning Act, that the deed in respect of this transaction shall be registered in the proper land registry office within six months from the date that the Secretary-Treasurer's certificate is stamped on the deed, failing which the consent shall lapse.
9. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
10. All of these conditions shall be fulfilled within a period of one year after the giving of the Notice of Decision, failing which, pursuant to Subsection 53(41) of the Planning Act, this consent shall be deemed to be refused.

to

REPORT COA 2019-047**Charlotte Crockford-Toomey**

FILE NO. D03-2018-012+014

From: Derryk Wolven
Sent: Thursday, September 27, 2018 8:00 AM
To: Charlotte Crockford-Toomey
Subject: consents

Please be advised building division has the following comments:

D03-2018-011	No concerns
D03-2018-012	No concerns
D03-2018-013	No concerns
D03-2018-014	No concerns
D03-2018-015	No concerns
D03-2018-016	No concerns

Jerryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

705-324-9411 ext. 1273 www.kawarthalakes.ca





Engineering & Corporate Assets Department
P.O. Box 9000, 12 Peel Street
Lindsay ON K9V 5R8
Tel: (705) 324-9411 Ext. 1152
Fax: (705) 324-2982
e-mail: csisson@kawarthalakes.ca
website: www.kawarthalakes.ca

MEMORANDUM

TO: Mark LaHay, Acting Secretary-Treasurer

CC: Kirk Timms, Engineering Technician
Kim Rhodes, Administrative Assistant
Charlotte Crockford-Toomey, Administrative Assistant

FROM: Christina Sisson, Supervisor, Development Engineering

DATE: October 1st, 2018

SUBJECT: Application for Consent
D03-2018-012 41 Shadow Lake Road 16
Part Lot 54, Front Range
Geographic Township of Somerville, City of Kawartha Lakes

The Development Engineering Division has reviewed the City of Kawartha Lakes Notice of Application for Consent received on October 1st, 2018.

It is our understanding that the applicant is applying to sever approximately 720 square metres of land and add it to the ownership of the proposed retained lot, should application D03-2018-013 be granted. No building lot is being created.

Further to our review of the above noted application, we confirm that we have no objection to the proposed consent and no engineering comments related to the proposed consent.

In providing technical review on behalf of the City, we respectfully request that the Development Engineering Division be circulated any additional information brought forward through the commenting period that changes the intent of the consent application. Please provide us with the Notice of Decision for our confirmation.

Please do not hesitate to contact our office if you have any questions.

David Harding

From: Anne Elmhirst
Sent: Thursday, October 04, 2018 11:13 AM
To: David Harding
Subject: D03-2018-012 - 41 Shadow Lake Rd 16

Hello David,

RE: Consent Application D03-2018-012
41 Shadow Lake Road 16, Former Somerville Township,
Lot 54, Conc. Front Range,
Roll No. 165131005048600

I have received and reviewed the request for consent to sever approximately 720 square metres of land and add it to an abutting lot.

I have completed a site visit to confirm the location of the on-site sewage system serving the dwelling at the above-noted property. In addition, I have reviewed the ability to replace the existing sewage system with an on-site system to today's standards.

Based on my observations and calculations, the proposal will not interfere with the existing or a future on-site sewage disposal system. As such, the Building Division – Sewage System Program has no objection with the consent application.

Best Regards,

Anne Elmhirst C.P.H.I.(C), B.A.Sc., B.Sc.
Supervisor – Part 8 Sewage Systems
Development Services - Building Division, City of Kawartha Lakes
705-324-9411 ext. 1882 www.kawarthalakes.ca





October 11, 2018
KRCA File No 16661
X-REF: 16662, 16663
Page 1 of 2

Via E-Mail: mlahay@kawarthalakes.ca
Mark LaHay
Acting Secretary-Treasurer
Committee of Adjustment
City of Kawartha Lakes
180 Kent Street West
Lindsay, ON K9V 2Y6

Regarding: Application for Consent (Easement) – D03-2018-012
Geoffrey and Pamela Park
41 Shadow Lake Road 16, Part of Lot 54, Concession Front Range
Geographic Township of Somerville
City of Kawartha Lakes

Dear Mr. LaHay:

This Letter acknowledges the receipt of the above noted application. Kawartha Region Conservation Authority (KRCA) staff have reviewed this application and provided the following comments:

Application Purpose

It is our understanding that the purpose of this application (concurrent with City of Kawartha Lakes Files D03-2018-013 and D03-2018-014) is to sever approximately 720m² to be added to the ownership of the proposed retained lot should application D03-2018-013 be granted. The proposed retained lot is a vacant rural lot with frontage onto Baseline Road. The application will provide the proposed retained lot with ownership of a portion of the shoreline. No new building lot is being created.

Applicable Kawartha Conservation Regulations and Policies

Ontario Regulation 182/06 (as amended):

The subject property is located outside of Kawartha Conservation's defined watershed boundary.

Application-Specific Comments

KRCA Memorandum of Understanding (MOU):

The following comments are provided as per the MOU entered into between the City of Kawartha Lakes and Kawartha Conservation. The City has requested staff provide comments and analysis on the identification, function and significance of natural heritage and hydrologic features and systems such as, significant woodlots, wetlands, significant wildlife habitat, fish habitat, significant habitat of endangered and threatened species, significant valleylands, areas of natural and scientific interest, surface water features and groundwater features on, or in proximity to, a proposed development site or within a study area.

KAWARTHA CONSERVATION
277 Kenrei Road, Lindsay, ON K9V 4R1
705.328.2271 Fax 705.328.2286
KawarthaConservation.com

Our Watershed Partners:

City of Kawartha Lakes • Region of Durham • Township of Scugog • Municipality of Clarington • Township of Brock • Municipality of Trent Lakes • Township of Cavan Monaghan



to

REPORT COA2019-047**David Harding**

From: Tony <tony@tfmtrans.com>
Sent: Thursday, October 11, 2018 5:06 PM
To: David Harding
Subject: 33 Shadow Lake Rd. 16

FILE NO. D03-2018-012 to 014

Hello Mr. Harding

Re: D03-2018-012/D03-2018-013/ D03-2018-014

My name is Tony Medeiros and I'm the owner of 33 Shadow lake Rd. 16.

Firstly, I think your timeline for responding to the application is much too short.

The consent application form is dated Sept. 27th and I received it on Oct. 3rd, leaving me with only 8 days to respond. If I were away during this period I wouldn't have any time at all to contest/voice my opinions regarding the proposal. I and other residents have a number of concerns about the proposal - some of which include:

The severed land south of my property is currently used to access Lots 29 and 31. Would they still have access?

Also, with the road be deeded to future residents of Lot 54 once developed, could it lead to development of the shoreline with docks, buildings and a launch ramp that could attract other boaters creating parking issues with vehicles and trailers?

Another concern we have is maintenance responsibilities for these roads.

If you can please address these concerns, I would greatly appreciate it.

Thank you,
Tony Medeiros

David Harding

From: David Harding
Sent: Tuesday, October 16, 2018 1:08 PM
To: 'tony@tfmtrans.com'
Subject: Consent Applications D03-2018-012 to 014, 41 Shadow Lake Road 16, geographic Twp. of Somerville

Good afternoon Mr. Medeiros,

Our applications are circulated in accordance with the statutory timelines set out within the Planning Act. That being said it is rare that the decision is made immediately after this advertised date, and the Planning Division continues to accept comments up until the time a decision is made. Please note that the City is not anticipated to make any decision on this application for at least the next month. We will notify you once the City is prepared to bring this application forward for a decision.

Any existing easements over the lands within application D03-2018-012 are not impacted by said application, but the ownership of the land is proposed to change due to this application.

Currently, the lands subject to application D03-2018-012 are zoned the same as your lot, subject to all the same setback requirements for buildings and structures. At this time we have not determined whether a zone change is necessary.

I will include the maintenance, responsibility, and access issues in a single response. Shadow Lake Road 16 is a private road (easement) where access is restricted to the landowner of the land over which the easement applies and the properties that benefit from said easement. Maintenance responsibilities, should any be specified, would be within your deeds. Please note that our official plan policies currently prohibit the larger, forested lot from being subdivided. An official plan amendment application would be required to subdivide the land, which would cause there to be a separate public process.

Regards,

David Harding, BES
Planner II
Development Services – Planning Division
City of Kawartha Lakes
180 Kent Street West, Lindsay, ON K9V 2Y6
Phone 705-324-9411 extension 1206 | Toll Free 1-888-822-2225
Fax 705-324-4027

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CARL A. BRAND, B.A., LL.B.

BARRISTER & SOLICITOR
961 KINGSTON ROAD
TORONTO, ONTARIO
M4E 1S8

TEL: (416) 699-5100 FAX: (416) 690-7089 or 690-8738 || E-MAIL: brandlaw@live.ca

FACSIMILE MEMO

DATE: October 11, 2018
TO: Kawartha Lakes Planning Division
FAX NO.: 1-705-324-4027
ATTENTION: Mark LaHay, Committee of Adjustment
David Harding, Planning
RE: Parks Cosnet Applications D03-2018-014, D03-2018-013;
D03-2018-012
NUMBER OF PAGES: (including cover)
FROM: Carl A. Brand
MEMO:

Dear Mr. LaHay and Mr. Harding:

My wife (Stephanie Briley) is the owner of #31 Shadow Lake Road, and we are advising that we are objecting to the above concurrent consent applications, and request the opportunity to make submissions in this matter.

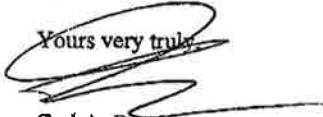
We are particularly concerned about the request to sever in D03-2018-12 as this involves both our and our neighbours rights of way over parts 2 and 4 on Plan 57R4603. Essentially, the rights of way comprise exclusive use driveways for ourselves and our adjoining neighbours.

Secondly, the application to append the 25 foot strip of land adjoining our property to allow lake access to the large piece of rural land in the concurrent severance application is objected to. The strip of land in question is a heavily forested parcel between ourselves and our neighbours who owns parts 1, 2 and 3 on Plan 57R7915 (33 Shadow Lake Road) and has been exclusively used and maintained by us for many years. The topography is such that it is unusable as an access to the lake without deforestation, gradient infill and

major construction along the lakeshore as there is a granite ridge running along the shoreline with a steep gradient to the water.

We wish to be able to present our position in greater detail at any hearing of this application.

Yours very truly,


Carl A. Brand
/cb

David Harding

From: David Harding
Sent: Tuesday, October 16, 2018 11:49 AM
To: 'brandlaw@live.ca'
Subject: Consent Applications D03-2018-012 to 014, 41 Shadow Lake Road 16, geographic Twp. of Somerville

Dear Mr. Brand,

The City of Kawartha Lakes acknowledges your letter of objection, received October 11, 2018. Please note that the City is not anticipated to make any decision on this application for at least the next month. We will notify you once the City is prepared to bring this application forward for a decision. During this time, you may wish to submit your position in greater detail to myself as the planner assigned to processing this file for my review. Once in receipt of this information, it will be reviewed and parties contacted to determine if resolution is possible. If resolution is possible, then the City is able to make an internal decision on the application without proceeding to a Committee of Adjustment hearing.

After review of your initial letter of objection, I offer the following preliminary response: any existing easements over the lands within application D03-2018-012 are not impacted by said application, but the ownership of the land is proposed to change due to this application. The land owner also has the right to use/travel the land over which the easement applies. If there are no particular rights or obligations for property/landscape maintenance specifically described within the easement, the land owner over which the easement applies has the authority to modify the land as they see fit provided the right(s) specified within the easement is/are maintained. This modification to the land is not dependent upon the consent applications, and therefore could occur at any time.

Regards,

David Harding, BES
Planner II
Development Services – Planning Division
City of Kawartha Lakes
180 Kent Street West, Lindsay, ON K9V 2Y6
Phone 705-324-9411 extension 1206 | Toll Free 1-888-822-2225
Fax 705-324-4027

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David Harding

From: Carl Brand <brandlaw@live.ca>
Sent: Tuesday, April 02, 2019 6:22 AM
To: David Harding
Cc: stephaniebrileybrand@gmail.com
Subject: Re: D03-2018-012 to 014 - 41 Shadow Lake Road 16, geographic Twp. of Somerville

Dear Mr. Harding:

Back from Florida and have had chance to review the sketch sent with your email of March 15th. Frankly, I cannot see the changes you are proposing, marking up these old surveys. I believe you need a proper R-Plan to do a severance consent and registration. Is this not correct? I am also not convinced that the underlying fee remains severable, but that will require a full search of title. I recall we were notified of the litigation involving the applicant's problems with previous conveyances voided by s. 49 of the Planning Act. We remain concerned that the applicant intends to destroy the woodlot between 31 and 33, when he should be using Lot 41 for lakeshore access.

Regards,

Brand Law Office
961 Kingston Road
Toronto Ontario M4E 1S8
T: (416) 770-5100
F: (416) 690-7089

From: David Harding
Sent: March 15, 2019 2:03 PM
To: brandlaw@live.ca
Subject: D03-2018-012 to 014 - 41 Shadow Lake Road 16, geographic Twp. of Somerville

Good afternoon Mr. Brand,

In response to the comments received from the circulation of the application, the owner has made slight alterations to the three applications. Please see the updated sketches attached.

The change was to the shape of the forked shoreline strip to be severed and added to the forested backlot in application D03-2018-012. The land leading down to the driveways of 29 and 31 would remain in the ownership of 41 Shadow Lake Road 16, as shown in application D03-2018-013. It would only be the small strip of land separating 33 and 31 Shadow Lake Road 16 that would be severed and joined to the forested backlot in application D03-2018-012. D03-2018-014 was amended slightly to extend the easement down a portion of the land which leads to the driveways serving 29 and 31 Shadow Lake 16. This extension was done due to the configuration changes proposed in D03-2018-012, so that legal access to the shoreline land could be obtained.

Please let me know by the end of this month if the nature of your concerns have changed in any way in response to these minor amendments.

Regards,

David Harding, BES
Planner II
Development Services – Planning Division
City of Kawartha Lakes