

The Corporation of the City of Kawartha Lakes

Council Report

Report Number PLAN2020-004

Meeting Date: January 28, 2020

Title: A By-law to Deem Lots 17 and 18, Registered Plan 244, 76 and 78 Matheson Road, Geographic Township of Eldon (Ogilvie and Harris) – Planning File D30-2019-004

Ward Number: 1

Author and Title: Kent Stainton, Planner 1

Recommendation(s):

That Report PLAN2020-004, Ogilvie & Harris – D30-2019-004, be received;

That a Deeming By-law respecting Lot 17 and Lot 18, Registered Plan 244, substantially in the form attached as Appendix “D” to Report PLAN2020-004, be approved and adopted by Council; and

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

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

Proposal:	To deem Lot 17 and Lot 18, Registered Plan 244, not to be lots within a registered plan of subdivision. See Appendices A, B, and C.
Owner:	Janette Ann Ogilvie and Karen Harris
Official Plan:	Waterfront – City of Kawartha Lakes Official Plan
Zone:	76 Matheson Road – Limited Service Residential (LSR) Zone 78 Matheson Road – Limited Service Residential (LSR) Zone Township of Eldon Zoning By-law Number 94-14
Site Servicing:	76 Matheson Road – Private individual well and sewage disposal system 78 Matheson Road – Private individual well and sewage disposal system.
Existing Use:	Shoreline Residential
Adjacent Uses:	North, South: Shoreline Residential East: Talbot River West: Agricultural Land

Rationale:

The owners are proposing a lot line adjustment between two shoreline residential lots, see Appendix C. The application proposes to sever approximately 217 square metres of residential land and retain approximately 178 square metres of residential land in order to facilitate shoreline frontage on Talbot River. The severed land (Part 2) is to be consolidated with a residential property (Lot 17) containing a single detached dwelling and two accessory buildings, while the retained land (Part 1) is to be consolidated with an abutting residential property (Lot 18) containing a single detached dwelling and one accessory building.

The severed and retained parcels are shore road allowance lands that appear to have merged on title. Shoreline frontage is contemplated for legal or technical reasons, where such severance (in this case, a technical lot line adjustment) does not result in the creation of a new buildable lot. In this case, access to water is being re-established. The consent will also facilitate correction of discrepancies on the holdings and enable that both the severed and the retained lands are separately conveyable with their respective associated residential lot (Lot 17 and Lot 18).

On January 30, 2019, the Director of Development Services, as delegated by Council, granted provisional consent to application D03-2018-009. A condition of the decision required the adoption of a Deeming By-law.

On September 3, 2019, a change of condition (Condition # 6) of consent to allow for the adequate consolidation of the subject lands and to ensure the consolidated lots can have distinct registered owners, which will enable them to be separately conveyable was issued. The owners have requested that Council pass a Deeming By-law (see Appendix D) in order to fulfill the provisional consent condition. Until the consent is finalized, the legal descriptions for the two properties will remain the same: Lot 17 and Lot 18, Plan 244.

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 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 facilitating a lot line adjustment to recognize how each property is used. 78 Matheson Road will receive shore lands abutting the Talbot River, which have traditionally been used for water access. The lands at 76 Matheson Road will continue to be used for water access.

Conclusion:

The consolidation of the lands will fulfill a condition of provisional consent decision. Planning staff do not anticipate any negative impacts as a result of the consolidation.

Attachments:

Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Surveyor's Sketch
Appendix D – Draft Deeming By-law



Appendix A -
Location Map.pdf



Appendix B - Aerial
Photo.pdf



Appendix C -
Surveyors Sketch.pdf



Appendix D - Draft
Deeming By-law

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Ron Taylor

Department File: D30-2019-004