



Council Report

Report Number PLAN 2020-054

Meeting Date: November 17, 2020

**Title: A By-law to Deem Lot 11, Registered Plan 175, 12 Treewood Lane,
Geographic Township of Bexley (Walker & Thornbury) – Planning File
D30-2020-005 (Walker & Thornbury)**

Description: Deeming By-law

Author and Title: Kent Stainton, Planner II

Recommendation(s):

That Report PLAN 2020-054, respecting Lot 11 & Part of Block D, Registered Plan 175, former Geographic Township of Bexley, **Walker & Thornbury – Application D30-2020-005** be received;

That a Deeming By-law respecting Lot 11, Registered Plan 175, substantially in the form attached as Appendix "D" to Report PLAN2020-054, 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 11, Registered Plan 175 not to be a lot within a registered plan of subdivision		
Owners:	Sherri Walker & Samuel Thornbury		
Official Plan:	Waterfront – City of Kawartha Lakes Official Plan (2012)		
Zone:	Rural Residential Type Three (RR3) Zone within the Township of Bexley Zoning By-law 93-09, as amended		
Site Servicing:	Private individual well and Private holding tank		
Existing Use:	Shoreline residential		
Adjacent Uses:	North:	Unopened road allowance, shoreline residential	
	South:	shoreline residential	
	East:	Balsam Lake	
	West:	shoreline residential	

Rationale:

The owner received conditional approval of a minor variance application via application D20-2020-033 in order to permit the construction of a new two-storey detached dwelling with a reduced exterior side yard setback. The lands to the north were identified as an unopened road allowance, resulting in the requisite variance.

Through the review of the minor variance application, it was identified that a portion of the shore lands are Federal Crown Lands under the ownership of the Trent Severn Waterway. Portions of the owner's boathouse are situated on these lands described as Part of Lot A, Concession 2, Geographic Township of Bexley, being Part 1 of 57R-10663. Lot 11 must be consolidated with the shore lands in order for the owner to maintain ownership over the contiguous parcel. Therefore, the owner has requested Council pass a Deeming By-law to deem Lot 11, Registered Plan 175, not to be a lot within a registered plan of subdivision in order to fulfill Condition 2 of the minor variance.

Adoption and subsequent registration of this Deeming By-law (see Appendix D) will consolidate Lot 11 of Plan 175 with Part 1 of Plan 57R-10663, Part of Lot A, Concession 2, Geographic Township of Bexley so that Part 1 of 57R-10663 cannot be sold separately. The legal description will remain the same: Lot 11, Part of Block D, Plan 175.

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.

Alignment to Strategic Priorities

This application aligns with the vibrant and growing economy goal by addressing an ownership issue pertaining to a property containing a detached dwelling and lands owned by the Trent- Severn Waterway.

Financial/Operation Impacts:

The cost of registering the By-law is included in the application fee. There are no financial implications for the City.

Conclusion:

The consolidation of the lands will fulfill a condition of minor variance identified as Planning File D20-2020-033. Planning staff do not anticipate any negative impacts as a result of the consolidation.

Attachments:

Appendix A – Location Map



Appendix A to
PLAN2020-054.pdf

Appendix B – Aerial Photo



Appendix B to
PLAN2020-054.pdf

Appendix C – Surveyor's Sketch



Appendix C to
PLAN2020-054.pdf

Appendix D – Draft Deeming By-law



Appendix D to
PLAN 2020-054.pdf

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Department Head: Chris Marshall

Department File: D30-2020-005