



Council Report

Report Number: PLAN2022-002
Meeting Date: January 25, 2022
Title: By-law to Deem Lots 15, 16, 31 & 32 on Plan 169
Description: Deeming By-law
Author and Title: Kent Stainton, Planner II

Recommendations:

That Report PLAN2022-002, **By-law to Deem Lots 15, 16, 31 & 32 on Plan 169**, be received;

That a Deeming By-law respecting Lots 15, 16, 31 & 32 on Plan 169, substantially in the form attached as Appendix D to Report PLAN2022-002, 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.

(Acting) Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

Proposal:	To deem Lots 15, 16, 31 & 32 on Plan 169, not to be lots within a registered plan of subdivision to facilitate the consolidation of the waterfront lot and back-lot sections of the property. A Merger Agreement will also be registered on-title in order to meld the two lots divided by Lakeview Park Road together.
Owner:	Kenneth Handley
Applicant:	Tom deBoer – TD Consulting Inc.
Official Plan:	Waterfront – City of Kawartha Lakes Official Plan
Zone:	Limited Service Residential (LSR) Zone – Township of Fenelon Zoning By-law 12-95
Site Servicing:	Private individual water system (lake draw) and private septic system
Existing Use:	Single Detached Dwelling
Adjacent Uses:	North, South – Shoreline Residential East – Sturgeon Lake West – Vacant Land, Lakeview Park Road

Rationale:

On July 15, 2021, the Committee of Adjustment granted approval to Minor Variance File D20-2021-028 for the purpose of constructing a replacement 2.5 storey dwelling on the subject lands. The property is comprised of a 'waterfront lot' and a 'back-lot'. The property has two separate Property Identification Numbers, separate Assessment Roll Numbers and based on the legal descriptions under both Parcel Registers, the lots are deemed to be separately conveyable and not tied together.

In order to lessen the number of reliefs sought through the minor variance application, the applicant has agreed to enter into a Merger Agreement to legally tie the two parcels together as well as pursue the subject Deeming By-law to consolidate the existing lots. The deeming by-law was imposed as Condition 2 of the minor variance approval to ensure the consolidation of land; thus, the owner has requested Council pass a Deeming By-law to deem Lots 15, 16, 31 & 32 on Plan 169 not to be lots within a registered plan of subdivision.

Adoption and subsequent registration of this Deeming By-law (see Appendix "D") will consolidate Lots 15, 16, 31 & 32 on Plan 169.

Other Alternatives Considered:

There are no other alternatives considered to be appropriate or represent good planning. The Deeming By-law, in combination with the Merger Agreement, is the appropriate method to legally consolidate the lands.

Alignment to Strategic Priorities

The proposed deeming by-law demonstrates the Exceptional Quality of Life and Healthy Environment strategic goals within the 2020-2023 Kawartha Lakes Strategic Plan, as a shoreline residential lot is being enlarged. This reduces the number of lots abutting the shoreline of Sturgeon Lake, while providing for a larger building envelope for the consolidated shoreline lot as well as the backlot for future development.

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 Lots 15,16,31 & 32 on Plan 169 (currently addressed as 10 Lakeview Park Road) together with the imposed Merger Agreement for the 'water lot' and 'back lot' sections of the property will create one larger lot to facilitate parking and the construction of an accessory building (detached garage). Planning staff do not anticipate any negative impacts as a result of the consolidation.

Attachments:

Appendix A – Location Map



Appendix A to
PLAN2022-002.pdf

Appendix B – Site Plan and Surveyor's Sketch



Appendix B to
PLAN2022-002.pdf

Appendix C – Aerial Photograph



Appendix C to
PLAN2022-002.pdf

Appendix D – Draft Deeming By-law



Appendix D to
PLAN2022-002.pdf

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(Acting) Department Head: Richard Holy

Department File: D30-2022-002