



Council Report

Report Number:	PLAN2022-062
Meeting Date:	September 27, 2022
Title:	By-law to Deem Lots 13 and 14, Plan 218 at 28 Parkhill Drive, Verulam - Rusnak
Description:	Deeming By-law (File: D30-2022-008)
Author and Title:	Mark LaHay, Planner II, MCIP, RPP

Recommendations:

That Report PLAN2022-062, **By-law to Deem Lots 13 and 14, Plan 218 at 28 Parkhill Drive, geographic Township of Verulam – Rusnak**, be received;

That a Deeming By-law respecting Application D30-2022-008, for Lots 13 and 14, Plan 218, substantially in the form attached as Appendix “D” to Report PLAN2022-062, be approved and adopted by Council; and

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

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

Proposal:	To deem Lots 13 and 14, Registered Plan 218, not to be lots within a registered plan of subdivision, to facilitate consolidation of land and its subsequent development.
Owners:	Robert and Miranda Rusnak
Applicant:	Andrew Chudy
Official Plan:	'Waterfront' on Schedule 'A-5' of the City of Kawartha Lakes Official Plan (2012)
Zone:	'Residential Type One (R1) Zone' on Schedule 'A' of the Township of Verulam Zoning By-law Number 6-87
Site Servicing:	Private individual well and septic system
Existing Uses:	Low Density Residential
Adjacent Uses:	North: Pleasant View Drive/Low Density Residential East: Low Density Residential South: Low Density Residential West: Parkhill Drive/Low Density Residential

Rationale:

On June 16, 2022, the Committee of Adjustment granted a Minor Variance to recognize the existing lot area to facilitate the construction of an Additional Residential Unit (ARU) and increase the maximum height for an accessory building to allow for construction of a new detached garage in an exterior side yard (File: D20-2022-033). Condition 3 of the Notice of Decision requires 'That the owner shall apply for and obtain a deeming by-law, as required'. This application proposes to fulfill Condition 3 of that Decision. Thus, the owners have requested Council to pass a Deeming By-law to deem Lots 13 & 14, Registered Plan 218, not to be a lot within a registered plan of subdivision.

Accessory uses would typically not be permitted to be located on a separate lot without a principal dwelling. Furthermore, if the dwelling or accessory buildings or structures straddle the mutual lot line, this consolidation would remove any potential contraventions with respect to the side yard setback provisions for buildings or accessory structures.

Adoption and subsequent registration of this Deeming By-law (see Appendix "D") will consolidate the lands addressed as 28 Parkhill Drive, as shown on Appendices 'A' to 'C'.

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 subject lands.

Alignment to Strategic Priorities

The Council Adopted 2020-2023 Strategic Plan identifies these Strategic Priorities:

1. Healthy Environment
2. An Exceptional Quality of Life
3. A Vibrant and Growing Economy
4. Good Government

This application aligns with the Strategic Priorities of "An Exceptional Quality of Life" and "Good Government" as it provides an opportunity to consolidate the lots, which creates a larger building envelope for 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.

Recommendations:

The consolidation of the parcels of land will create a larger lot through the merger of the subject lots. This shall accommodate existing and future development on the property. The deeming by-law will ultimately facilitate the issuance of a building permit for the proposed use in compliance with the zoning by-law. Planning staff do not anticipate any negative impacts as a result of the consolidation. Staff have reviewed the application and believe that it represents good planning. As such, Staff respectfully recommends that Council approve the application.

Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please email or call Mark LaHay, Planner II, mlahay@kawarthlakes.ca or (705) 324-9411 extension 1324.

Appendix 'A' – Location Map



Appendix 'A'
PLAN2022-062.pdf

Appendix 'B' – Assessment Map Excerpt



Appendix 'B'
PLAN2022-062.pdf

Appendix 'C' – Proposed Site Plan



Appendix 'C'
PLAN2022-062.pdf

Appendix 'D' – Draft Deeming By-law



Appendix 'D'
PLAN2022-062.pdf

Department Head email: rholy@kawarthlakes.ca

Department Head: Richard Holy, Director of Development Services

Department File: D30-2022-008