



Council Report

Report Number: PLAN2023-042
Meeting Date: August 29, 2023
Title: **By-law to Deem Lots 7 & 8, Registered Plan 100, former Village of Fenelon Falls**
Description: Deeming By-law
Author and Title: Maryann Hunt, Supervisor of Development Planning

Recommendations:

That Report PLAN2023-042, **By-law to Deem Lots 7 and 8, Registered Plan 100, former Village of Fenelon Falls** be received;

That a Deeming By-law respecting Lots 7 and 8, Registered Plan 100, former Village of Fenelon Falls, substantially in the form attached as Appendix C to Report PLAN2023-042, 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 Lots 7 and 8, Registered Plan 100, former Village of Fenelon Falls, not to be lots within a registered plan of subdivision to facilitate the consolidation of the two lots, that currently function as one residential property.
Owner:	Lynn and David Evans
Applicant:	Same as owner
Official Plan:	'Low Density Residential' – Schedule A to the Village of Fenelon Falls Official Plan
Zone:	Residential Type One (R1) Zone – Schedule A to the Village of Fenelon Falls Zoning By-law 89-25
Site Servicing:	Private septic system and municipally owned water system
Existing Use:	Single Detached Dwelling (Lot 8); accessory structure to residential use (Lot 7)
Adjacent Uses:	North – Low Density Residential South – Fenelon River East – Low Density Residential West – Low Density Residential; Fenelon Falls Museum

Rationale:

The subject lands are comprised of two separately conveyable lots on a registered plan of subdivision. The properties have two separate Property Identification Numbers, and separate Assessment Roll Numbers. The lots currently function as one residential lot with the primary dwelling located on Lot 7 and an accessory structure located on Lot 8.

The owners are proposing to remove the existing legal accessory structure located on Lot 8 and replace it with a larger detached structure. Given that the accessory structure is considered a legal non-conforming use as it is an accessory structure located on a lot without a primary residential use, the Village of Fenelon Falls Zoning By-law 89-25 would not permit the proposed reconstruction.

Adoption of this Deeming By-law will merge Lots 7 and 8 which will result in the proposed accessory structure being located on the same property as the primary

residential use/single detached dwelling. This will also allow greater flexibility for the siting of the accessory structure and future use.

The effect of the Deeming By-law is that Lots 7 and 8 will consolidate and be merged into one larger property, which cannot be sold as two separate lots.

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 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 residential lot in close proximity to a shoreline is being enlarged. This reduces the number of lots in proximity to the shoreline of Fenelon River, while providing for a larger building envelope for the consolidated lot to provide greater flexibility for the siting of accessory structures.

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 7 and 8, Registered Plan 100 will create one larger lot to facilitate the construction of replacement accessory structure. Planning staff do not anticipate any negative impacts as a result of the consolidation.

Attachments:

Appendix A – Location Map



PLAN2023-042
Appendix A Key Map.

Appendix B – Surveyor's Sketch



PLAN2023-042
Appendix B Plan 100.r

Appendix C – Draft Deeming By-law



PLAN2023-042
Appendix C Deeming

Department Head email: rholy@kawarthalakes.ca

Department Head: Richard Holy

Department File: D30-2023-003