



Council Report

Report Number:	PLAN2023-058
Meeting Date:	October 24, 2023
Title:	One Foot Reserve – Robinson Avenue, Eldon Township
Description:	By-law to dedicate a one foot reserve at the eastern end of Robinson Avenue as public highway to accommodate an entrance
Author and Title:	Richard Holy, Director of Development Services

Recommendations:

That Report PLAN2023-058, **One Foot Reserve – Robinson Avenue, Eldon Township**, be received;

That the Assumption of Part 1, Reference Plan 57R-8926, substantially in the form attached as Appendix A to Report PLAN2023-058, be approved and adopted by Council;

That the owner dedicates sufficient lands to the City to facilitate the construction of a turn around at the end of Robinson Avenue; 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:

On August 14, 2003, the Committee of Adjustment granted provisional consent to file B-055/03 to sever 880 sq.m. of agricultural land, together with a one-foot reserve at the end of Robinson Avenue, to be added to an abutting 70-hectare agricultural lot. Condition 2 of provisional consent approval required that a one-foot reserve between the proposed severed land and Robinson Avenue be dedicated to the City to prevent agricultural access from the end of Robinson Avenue. Although the one-foot reserve was transferred to the City on August 5, 2004, the applicant never perfected the severance and the provisional consent approval lapsed. The property has been sold and the new owners would like to access their new dwelling from the end of Robinson Avenue to avoid the need for a long driveway to be constructed from Fenel Road, the lot's other point of road frontage.

The owner is constructing a dwelling on the abutting lands (ARN: 165116003025400) and has submitted an entrance permit for approval.

Proposal: To lift an approximately one-foot reserve over land separating the existing lot (ARN: 165116003025400) from the Robinson Avenue road allowance.

Owner: Existing lot: Michael and Tammy Toye

One-foot reserve: City of Kawartha Lakes

Site Servicing: Future private well and septic on Toye property

Existing Use: Vacant Land

Adjacent Uses: North: Waterfront residential

South: Waterfront residential

East: Vacant land

West: Waterfront residential

Rationale:

Robinson Avenue is a rural roadway that serves approximately 30 waterfront lots on its north side and 30 back lots on its south side. Located on the south shore of Mitchell Lake, the road terminates at the end of this lot ribbon. Given the era during which the road was constructed, there is also no proper turnaround at the end of the street to allow for municipal service and private vehicles to turn around. The owners are

constructing a new dwelling on the property and wish to obtain access from Robinson Avenue. Given that Robinson Avenue currently terminates at the property and access is prohibited because of the one-foot reserve, the lot cannot be legally accessed at this location. Hence, the one foot reserve needs to be assumed as public highway to allow an entrance to be issued.

Other Alternatives Considered:

Council could choose not to approve the assumption of the one-foot reserve. Staff would not support this approach as the owners would be forced to construct an entrance from Fenel Road with a length of approximately 1.5 km. The Assumption By-law is the preferred method to facilitate access to the lands.

Alignment to Strategic Priorities

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.

For reference the four strategic priorities within the 2020-2023 Kawartha Lakes Strategic Plan are:

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

The actions undertaken through this process aligns with creating a vibrant and growing economy and good government by providing opportunities to develop this property with a dwelling.

Financial/Operation Impacts:

There are financial implications for the City to construct the turn around at the end of Robinson Avenue.

Servicing Implications:

There are no servicing implications based on this consideration.

Planning Comments:

The applicant has submitted a Building Permit application, which has triggered the need for an entrance to the property. Through discussions with various Departments, the end of Robinson Avenue should be improved with a turn around. While it's difficult to require the applicant to construct the turn around at their expense, the owners have agreed to dedicate the necessary lands free and clear to the City to accommodate a turn around at the end of Robinson Avenue. The City will need to pay for land acquisition and construction of the turn around through future capital budgets.

Consultations:

City Solicitor

Department of Engineering and Corporate Assets

Department of Public Works

Conclusion:

The assumption of the block as public highway will facilitate the approval of an entrance to the subject lands and provide the City with land to construct a proper turn around. Staff respectfully recommend that the by-law be approved by Council.

Attachments:

Appendix A – Applicant Sketch



Appendix A -
PLAN2023-058.pdf

Appendix B – Assumption By-law



Appendix B -
PLAN2023-058.docx

Department Head email: rholy@kawarthalakes.ca

Department Head: Richard Holy, Director of Development Services

Department File: B-055/03